1947

File No. B. Primary Education 147. Pt I & II

Legal DEPARTMENT

B BRANCH

Subject:—

A Bill to amend the Bombay Primary Education Act, 1923

L.A. Bill No. XLVIII of 1947

Bombay Act No. LXI of 1947

P. 222
H-E-U

File No. B Primary Education (Bom) 147 Pt I & II

Std. Sectt. Slip 24 B e.

502-B

1c

C O N T E N T S.

Legal Department File No. D. Primary Education/47 Parts I & II

Dr. No.	Compilation No.	Subject.	Pages.
		A Bill to Repeal and Re-enact the laws relating to Primary Education.	
1.	U.P. to D G I.E. No. 540 dt. 25.6.47	Exemption to Annul Sec. 27 of the former Act ——	1-2.
2.	U.O. to D G I.E. No. 57-L dt. 25-9-47	Whether sanction from G of I. is necessary ——	3-6
3.	U.O. to D G I.E. No.223-L dt. 3-11-47	Remarks on certain sections —	7-8
4.	U.O. to D G I.E. No. 11702 dt.6-12-47	Whether old cases of Pensions etc. can be covered by the new enactment etc.——	9-10
5.	G.L.L.D.No.11700 dated 6-12-47	Seeking assent of the Governor—	11-13
6.	L.D.C.I.No.224 dated 9-1-48	Forwarding an Authentic Copy of the Act ——	13-14.
7.	G.O.L.D.No.31-L dated 16-2-48	Publication of the Bill—	15-54
8.	———	Bill as recommended by the Select Committee ——	55-92.
9.	G.O.L.D.No.979 dated 29-1-48.	Publication of the Act——	93-122.
10.	———	Debates in the Assembly—	123-354.
11.	———	Debates in the Council—	355-370.

176 92 not typed

95 to 370 not typed

CHE/24.5.

Office of the D.P.I.

To achieve the object in view it would be necessary to amend section 27 of the Bombay Primary Education Act, 1923, so as to enable the local authority to make regulations under clause (d) of sub-section (2) of the section with retrospective effect. The exact form of the amendment will be settled after decision is reached to amend the Act for the purpose.

Sd/- D.V.Vyas.

Secretary of Legal Affairs.

U.O. to S G I.Deptt., No. 6540 dated the 25th June 1947.

GSP/24.9.

Office of the R.L.A.

In continuation of Government Resolution, Legal Department, No.31-L, dated the 16th September 1947, the Education and Industries Department is informed that the subject-matter of the Bombay Primary Education Bill, 1947, falls under entry 17, read with entries 13, 33 and 27 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the said Bill does not relate to any matter in the Concurrent Legislative List, it would not be necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the said Act.

2. The Bill does not require any sanction under the Government of India Act, 1935, but would require the recommendation of the Governor under section 82(3) of that Act in view of the provisions contained in clauses 21(2), 23 and 48 thereof.

Sd/- P.M.Lad.
26/9

Secretariat of Legal Affairs.

U.O. to E & I.D., No. 57-L dated the 26th September 1947.

SEC/14.5.

Education and Industries Department,
Poona, September 1947.

O R D E R

No. .- In exercise of the powers conferred upon him by sub-section (3) of section 82 of the Government of India Act, 1935, the Governor of Bombay is pleased to recommend to the Bombay Legislative Assembly the consideration of the Bombay Primary Education Bill, 1947.

By order of the Governor of Bombay,

Joint Secretary to Government.

SHP/14.5.

Ction of the I.L.A.

Section 25 contemplates a scheme "for children of such ages and up to such standards and within such periods as the Director may specify". This wording is quite adequate for the purpose of enabling the Director to say that children of 6 + who voluntarily enter school shall stay there until either they attain a particular age or complete certain standards. The underlined expressions cover both cases. A scheme of this kind applicable to children of 6+ any age which the Director chooses to nominate can be made under section 25 and sanctioned under section 23; and the parent would then be brought under the duty enjoined by section 32. No amendment appears necessary for this purpose.

O.C. F.H.Ld. 3/11

Memorandum of Legal Affairs.

U.S. to E and I. Department, No. 213-L, dated 3rd November 1947.

SHF/14.3.

Office of the B.L.A.

The question for consideration is whether certain members of the inferior staff who were in the employ of the local authorities under the Bombay Primary Education Act, 1923, and who retired from service before regulations in regard to the payment of pensions and gratuities for members of the inferior staff were framed by the local authorities can now be granted pensions and gratuities by such local authorities. The question has to be decided with reference to the provisions of the B.P.E. Act, 1923. Section 27(3) (3) of that Act provides inter alia that the local authority may, from time to time, with the sanction of the Provincial Government, make regulations determining the pay and terms of employment of the inferior staff. The power to make regulations determining the terms of employment includes the power to make regulations providing for payment of pensions and gratuities. The inferior staff referred to in the provision would, in my opinion, include not only the inferior staff at present in employment but also members of such staff who had been in the past in service and who have since retired. In my opinion it would be competent to a local authority under the aforesaid provision to make regulations in regard to payment of pensions and gratuities to the members of the inferior staff who have retired in the past and are no longer at present in the service of the local authorities. It would be competent to make regulations under this provision providing that members of the inferior staff who have thus retired shall be paid pensions or gratuities at such specific rates as the local authority may fix and there would be no objection then to the local authorities making payment to their past employees in accordance with those regulations, from the date the regulation comes into effect. Rule 47(3) of the B.P.E.Rules enables a local authority to make provision for pension of the inferior staff in accordance with the regulations framed by it in this behalf. As the payment of pensions and gratuities to the employees would be in accordance with the regulations thus framed by it, the local authority would be competent to make provision for payment of such pensions under the said rule 47(3) of the B.P.E.Rules.

2. In B.L.A.'s opinion No.5964, dated 10-7-41, referred to in the B & L.D. office note at p. 7 ante, the question considered was whether a call woman and a taluka peon, who had retired from service, could be

(P.T.O.)

could be granted pension when there were no regulations framed by the local authority regarding the pension or gratuity for inferior servants at the time of the their retirement. It was held that in the absence of such regulations, the inferior servants would not be entitled to any pension from the Primary Education Fund. That opinion so far as it goes is correct. The question whether regulations could now be framed after the retirement of the employees providing for payment to them of pensions or gratuities was not considered in that opinion. It is true that in D.L.A.'s opinion No.6540, dated 25-6-47, the D.L.A. expressed that, in order to enable the local authorities to make payment of pensions and gratuities to their past employees, it would be necessary to amend section 27 of the D.P.E.Act; but for reasons stated above, I feel unable to agree with the opinion of my predecessor.

O.C. Sd/- P.M.Lal.

Secretary of Legal Affairs.

U.O. to E & I.O.No.11/KL, dated the 6th December 194

No.11700
Legal Department.
Bombay Castle, 6th December 1947.

From
P.H.Lee, Esquire, I.C.S.,
Secretary to the Government of Bombay,

To
The Private Secretary to the Governor
of Bombay.

Subject:- A Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

Sir,

With reference to section 75 of the Government of India Act,1935 I am directed to forward herewith for the assent of His Excellency the Governor, the authentic copy of the Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 29th October 1947 and on the 4th November 1947, respectively.

2. The subject-matter of the Bill falls under entry 17 read with entries 19, 33 and 37 in List II in the Seventh Schedule to the Government of India Act, 1935.

3. As the Bill does not relate to any matter in the Concurrent Legislati List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency/the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one copy of each of the papers noted in the margin.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2.
2. Report of the SelectCommittee together with the Bill as amended by the Select Committee.
3. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.
4. Bill as read for the third time and passed by the Bombay Legislative Council.
5. Extracts from the proceedings of the Bombay Legislative Assembly dated the 29th ,30th September, 1st , 23 th and

(P.T.O.

5. Extracts from the proceedings of the Bombay Legislative Assembly dated the 29th, 30th September, 1st, 28th and 29th October 1947 and of the Bombay Legislative Council dated the 4th November 1947.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- P.H.Kad.
6/12

Secretary to Government.

Through

The Secretary to the Government of Bombay,
Education and Industries Department.

EDT/14.5.

No.PSO. 57
Government House
Bombay, 9 January 1948.

From

L.E.Bagshawe, Esquire, I.C.S.
Private Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department, Bombay.

Subject: The Bombay Primary Education Bill, 1947.

Sir,

With reference to my letter No.PSO. 5903, dated the 29th December 1947, I am directed to forward herewith the authentic copy of the Bombay Primary Education Bill, 1947, with His Excellency the Governor's assent signified thereon.

Your obedient servant,

Sd/-

Private Secretary to the
Governor of Bombay.

SMT/14/5

A Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 51.L
Council Hall, Poona, 16th September 1947.

RESOLUTION.- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 17th September 1947, as Bill No.XLVIII of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 22nd September 1947.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,

Sd/- S.S.Palekar.
Deputy Secretary to Government.

To

The Manager, Government Central Press,
Bombay (with the Bill and S.O.R. and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Bombay Legislature Department for distribution to the members of Bombay Legislative Assembly and 45 copies for the use of the Legal Department and 20 copies for the use of the Education and Industries Department.)
The Education and Industries Department) with a copy
*The Oriental Translator to Government) of the Bill
The Bombay Legislature Department) and S. O. R.
The Director of Publicity, Bombay)

*With five extra copies of the Bill.

Sd/-

Publication of the Bombay Primary Education Act, 1947.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No.979
Bombay Castle, 29th January 1948.

Letter to the Private Secretary to the Governor. No.11700, dated the 6th December 1947.

Letter from the Private Secretary to the Governor,No.PSG 57, dated the 9th January 1948 :-

"With reference to my letter No. PSG. 5983, dated the 29th December 1947, I am directed to forward herewith the authentic copy of the Bombay Primary Education Bill, 1947, with His Excellency the Governor's assent signified thereon."

RESOLUTION.- The law should be published as Bombay Act No. LXI of 1947, in the Bombay Government Gazette dated the 29th January 1948.

2. The Act should be translated into Marathi,Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Education and Industries Department.

By order of the Governor of Bombay

Sd/- S. L. Chaudhari,

Assistant Secretary to Government.

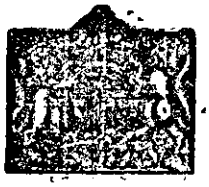
To

The Manager, Government Central Press, Bombay,
(with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Education and Industries Department)
*The Oriental Translator to Government,) with a copy
The Bombay Legislature Department,) of the
The Director of Publicity, Bombay,) Act.
The Enquiry Officer for the Secretariat,)
Bombay.)

* with five extra copies of the Act.

SNT/14.5.

Registered No. B-I



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 17TH SEPTEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XLVIII OF 1947.

A Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

WHEREAS it is the duty of Government to secure the development and expansion of primary education; and whereas it is the declared policy of Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion; and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows :—

CHAPTER I.

Preliminary.

Short title and extent.

1. (*1*) This Act may be called the Bombay Primary Education Act, 1947.

(*2*) It extends to the whole of the Province of Bombay, except the City of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*1*) "Administrative Officer" means an officer appointed under section 21 or 22;

(2) " Approved school " means a primary school maintained by the Provincial Government or by a school board or by an authorized municipality or which is for the time being recognised as such by a school board or by the Provincial Government or by an officer authorized by it in this behalf;

(3) " Area of compulsion " means the area in which primary education up to any standard is compulsory;

(4) " Area of an authorized municipality " means the area comprised within the limits of such municipality and shall include the area of a non-authorized municipality approved schools in which vest in or are controlled by the authorized municipality;

(5) " To attend an approved school " means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required under the regulations framed by the school board;

(6) " Authorized Municipality " means a municipality which is authorized by the Provincial Government under sub-section (1) of section 16 to control all approved schools within its area;

(7) " Child " means a boy or girl whose age is not less than six and not more than fourteen years at the beginning of the school year:

Explanation.—For the purposes of this definition, " school year " shall mean the year beginning with such date as the school board may, with the sanction of the Director, fix;

(8) " Director " means the Director of Public Instruction for the Province of Bombay;

(9) " District " in clause (*h*) of section 5, in section 6, sub-section (3) of section 10, and section 19 means the district as formed under the Bombay Land Revenue Code, 1879, and elsewhere the area comprised in a district so formed excluding the areas of authorized municipalities and cantonments; Bom. V of 1879.

(10) " District School Board " means a school board constituted for a district under section 3;

(11) " Municipal School Board " means a school board constituted for the area of an authorized municipality under section 3;

(12) " Non-authorized Municipality " means a municipality other than an authorized municipality;

(13) " Parent " includes a guardian or any person who has the custody of a child;

(14) " Prescribed " means prescribed by rules made under this Act;

(*15*) " Primary Education " means education in such subjects and up to such standards as may be determined by the Provincial Government from time to time;

(*16*) " Primary Education Fund " means the fund maintained under section 44;

(*17*) " Primary School " means a school or a part of a school in which primary education up to any standard is imparted;

(*18*) " Provincial Board of Primary Education " means the board constituted under section 58;

(*19*) " School Board " means a district school board or a municipal school board, as the case may be.

CHAPTER II.

Constitution of District and Municipal School Boards.

School Boards.

3. (*1*) For each district there shall be a district school board.

(*2*) For each area of an authorized municipality there shall be a municipal school board.

Constitution of School Boards.

4. (*1*) Each school board shall consist of members not less than twelve and not more than sixteen in number.

(*2*) Of these members not less than two and not more than three in number shall be appointed by the Provincial Government.

(*3*) The number of members under sub-sections (*1*) and (*2*) shall be determined by the Provincial Government from time to time.

(*4*) Of the members appointed by the Provincial Government under sub-section (*2*) one shall be an officer of the Provincial Government; and the remaining shall be persons who shall have passed the matriculation examination or shall possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf.

(*5*) The members other than those appointed by the Provincial Government shall be elected by the district local board of the authorized municipality, as the case may be:

Provided that where approved schools within the area of any non-authorized municipalities are controlled by the district school board or the authorized municipality, not more than two of such members as may be determined by the Provincial Government from time to time shall be elected in the manner prescribed by the said non-authorized municipalities, on the district school board or municipal school board, as the case may be.

Members elected under this sub-section shall not necessarily be members of the electing local authority.

(6) Of the members elected by the district local board or by the authorized municipality—

(a) one at least shall be a woman; and

(b) such number not exceeding three as may be prescribed shall belong to minorities and backward communities.

(7) Members elected under sub-section (5) shall have passed the primary school certificate examination or shall possess such other equivalent or higher educational qualification as may be prescribed:

Provided that women or persons belonging to minorities or backward communities shall be eligible for being elected as members if they shall have passed at least the primary fourth standard examination:

Provided further that out of the seats of the members to be elected by the district local board or the authorized municipality not less than three shall be reserved in the prescribed manner for persons who have passed the matriculation or second year training certificate examination.

Explanation.—For the purposes of sub-sections (6) and (7) " minorities and backward communities " shall mean such classes and communities as may be prescribed.

(8) If the Provincial Government is satisfied that any election (including a bye-election) cannot for any reason be held at all or cannot be completed within such period as the Provincial Government considers reasonable or has not resulted in the return of the required number of qualified persons willing to take office, the Provincial Government shall nominate from amongst persons who would have been qualified to be elected the required number of persons as members of the school board and the persons so nominated shall be deemed to have been duly elected under sub-section (5).

(9) Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the electing district local board or authorized municipality:

Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the district local board or authorized municipality, as the case may be, is dissolved or superseded.

(10) (a) If the term of office of the members of a school board expires during the supersession of the electing district local board or authorized municipality, a new school board

shall be constituted as provided in sub-sections (*1*) to (*7*) until the district local board or authorized municipality as the case may be is re-established, provided that the members of such school board shall, instead of being elected, be nominated by the Provincial Government.

(*b*) The term of office of the members of the school board so nominated shall be for such period not exceeding three years as the Provincial Government may determine :

Provided that if during such period the district local board or authorized municipality, as the case may be, is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is constituted.

(*11*) Notwithstanding the expiry of the term of the members of any school board under sub-section (*9*) or (*10*), they shall continue in office until the members of a new school board are elected, appointed or nominated, as the case may be.

(*12*) (*a*) Any member of a school board other than the chairman or vice-chairman may resign his office by giving notice in writing to that effect to the chairman and such resignation shall take effect from the date of its receipt by the chairman.

(*b*) The vice-chairman may resign his office as vice-chairman or member by giving notice in writing to that effect to the chairman. The chairman may resign his office as chairman or member by giving notice in writing to the president of the district local board or of the authorized municipality, as the case may be. Such resignations shall take effect from the date of their acceptance by the chairman or the president.

(*13*) Casual vacancies including that of a chairman or vice-chairman during the term of a school board shall be filled for the remaining period by election, appointment or nomination, as the case may be .

Disqualifications of members.

5. No person shall be elected, appointed or nominated a member of a school board who—

(*a*) is less than 25 years of age, or

(*b*) is a judge of a civil court or a magistrate, or

(*c*) (*i*) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of the said Code, such order not having subsequently been reversed or quashed if and so long as such order is in force, or V of 1898.

(*iii*) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(*d*) is a stipendiary officer or an employee of any school board, or district local board or municipality, or

(*e*) who has been adjudged an insolvent and has not obtained his discharge, or

(*f*) has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of, or in any contract entered into on behalf of the school board or the electing local authority, or

(*g*) is a manager of, or a teacher in any approved school, or

(*h*) has resided within the district for a period of less than six months preceding the date fixed for recording of votes for elections to the school board, or

(*i*) has been adjudged by a competent court to be of unsound mind.

Explanation.—A person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*a*) having any share or interest in any lease, sale or purchase of any immovable property or in an agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(*b*) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which may contract with or be employed by or on behalf of the school board or the electing local authority, or Bom. VII of 1925.

(*c*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the electing local authority may be inserted, or

(*d*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the electing local authority, or

(*e*) being professionally engaged on behalf of the school board or the electing local authority as a legal practitioner, or

(*f*) having a share or interest in the occasional sale to the school board or electing local authority of any article in which he regularly trades, or in the purchase from the school board or the electing local authority of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*g*) having a share or interest in the occasional letting out on hire to the school board or the electing local authority or in the hiring from the school board or the electing local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*h*) being a police patel who is an ex-officio keeper of village cattle pounds under the control of the electing local authority.

Determination of validity of elections: enquiry by Judge; procedure.

6. (*1*) If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election, such person may, at any time within fifteen days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(*2*) An enquiry shall thereupon be held by a Judge not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken for holding a fresh election.

(*3*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of members is in question shall as far as possible be heard by the same Judge, and

(*b*) in which the validity of the election of the same member is in question shall be heard together.

(4) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not allow (*a*) any application to be compromised or withdrawn, or (*b*) any pleadings in the proceedings to be altered or amended, unless he is satisfied that such application, alteration or amendment is *bona fide* and not collusive. V of 1908.

(5) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (6), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(6) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person; or

(*b*) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote;

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit"

(*i*) does not include a promise to vote for or against any particular measure which may come before a school board for consideration, but

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(7) If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.

(8) If the Judge sets aside an election under clause (*a*) of sub-section (5) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of sub-section (6) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :

Provided further that such person may by an order of the Provincial Government in that behalf be at any time relieved from such disqualification.

Disqualification after becoming member.

7. (1) If any member of a school board, during the term for which he has been elected, appointed or nominated—

(*a*) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(*b*) becomes subject to any of the disqualifications mentioned in section 6,

he shall be disabled from continuing to be a member of such board and his seat shall be deemed to be vacant :

Provided that he shall not be deemed to have incurred any disqualification under clause (*f*) of section 5 by reason of his having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

Disabilities on account of interest in subject-matter.

8. A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he has directly or indirectly by himself or his partner, any share or interest such as is described in clause (*f*) of section 5 or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

Removal of members of school board for misconduct.

9. (*1*) The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of—

(*i*) a school board,

(*ii*) the district local board or the authorized municipality which elected the member,

remove any member elected, appointed or nominated on the school board, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

- Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

Election of chairman and vice-chairman.

10. (*1*) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.

(*2*) A chairman or a vice-chairman shall be removable from office by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board, sanction is accorded by the Provincial Government for such removal and provided, further, that before such resolution is passed, the chairman or vice-chairman is given at least two weeks' notice of such resolution and a reasonable opportunity of showing cause why such resolution should not be passed.

(*3*) Every chairman or vice-chairman who, for a continuous period exceeding three months absents himself from the district without leave of the school board in such manner as to be unable to perform his duties shall cease to be chairman or vice-chairman.

(*4*) No leave shall be granted by the school board under sub-section (*3*) for a total period exceeding six months during the term of the school board.

(5) Whenever leave is granted to a vice-chairman under sub-section (3), a member shall be elected to be vice-chairman during the period of such leave.

CHAPTER III.

Powers, duties and functions of District School Boards, Authorized Municipalities and Municipal School Boards.

A. District School Boards.

Incorporation of district school boards.

11. Every district school board shall be a body corporate by the name of "The District School Board of.....", and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, whether within or without the limits of its area, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and do all things necessary for the purposes of this Act.

Vesting of property in and absorption of staff by district school board.

12. (1) Notwithstanding anything contained in any law, on the constitution of a district school board under section 4 all primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vested in, held by or were under the control of the district local board for the purposes of primary education immediately before the date on which the school board was constituted, shall, on such date be vested in, held by or be under the control of the district school board for the said purposes:

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the matter shall be referred to the Provincial Government whose decision thereon shall be final and binding on all the parties.

(2) On a date notified by the Provincial Government in this behalf, every district local board shall hand over and every district school board shall take over and employ such primary school teachers and other persons as were employed by or under the district local board on such date for the purposes of primary education, on the same terms and conditions on which such teachers or persons were employed by or under the said district local board.

(3) The existing and future rights, liabilities, duties and powers of the district local board in respect of such teachers or other persons so far as they are not inconsistent with the provisions of this Act or the rules or regulations made thereunder shall vest in and be performed or exercised by the said district school board on and as from the date notified under sub-section (2).

Powers, duties and functions of district school boards.

13. (1) Subject to the provisions of this Act, the district school board shall have control over all approved schools within its area and may grant aid to any approved school which is not maintained by the Provincial Government or any authorised municipality.

(2) Subject to the provisions of this Act and the rules made thereunder, and so far as its primary education fund will allow, the district school board shall perform the following duties and functions :—

(a) to provide for the welfare of the children attending primary schools ;

(b) to maintain an adequate number of primary schools ;

(c) to provide adequate accommodation and equipment for primary schools ;

(d) to maintain an adequate number of assistant administrative officers, attendance officers, clerks, teachers and inferior servants ;

(e) to maintain an adequate number of engineering staff required for the construction and maintenance of schools and other buildings ;

(f) to determine, on the recommendation of the Administrative Officer, the distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (c) of section 33 ;

(g) to determine with the approval of the Director the school hours and the number and duration of vacations ;

(h) to determine the exact location of primary schools ;

(i) to grant on the recommendation of the Administrative Officer exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school ;

(j) to sanction all tenders for the supply of stationery, furniture or equipment ;

(k) to suggest the opening of additional schools for the sanction of the Provincial Government ;

(l) to recommend to the Director such modifications in the curriculum as may seem necessary to suit local requirements ;

(m) to carry on propaganda for the expansion of primary education ;

(*n*) to advise the Provincial Government generally in respect of primary education within the district;

(*o*) to perform such other duties and functions as may be prescribed.

(*3*) the district school board may from time to time with the sanction of the Director make regulations not inconsistent with the provisions of this Act and the rules made thereunder for—

(*i*) the supply of books, slates and educational requisites to indigent children of any age receiving primary education;

(*ii*) laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school;

(*iii*) determining the constitution, powers and duties of the taluka advisory committees.

Relinquishment of powers and duties.

14. (*1*) The district school board may, by a resolution passed by at least two-thirds of the whole number of members of the board, intimate to the Provincial Government that it desires to relinquish its powers and duties excepting the duties of advising and of carrying on propaganda for the expansion of primary education.

(*2*) If, on receipt of such intimation, the Provincial Government so directs, all powers and duties of the district school board, other than those so excepted, shall from such date and for such period as may be notified by the Provincial Government in this behalf be exercised and performed on behalf of the Provincial Government by the Administrative Officer or by any other person or persons appointed by the Provincial Government. The district school board shall from the said date and for the said period discharge only the duties so excepted.

(*3*) All primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vesting in, held by or were under the control of the district school board immediately before the date notified by the Provincial Government under sub-section (*2*) shall vest in, be held by or be under the control of the Provincial Government during the period notified under the said sub-section.

Constitution of taluka advisory committee.

15. The district school board may by a resolution passed by at least two-thirds of the whole number of members of the board recommend to the Provincial Government the establishment of taluka advisory committees for all or any of the talukas in the district to advise it in respect of primary education. On such recommendation being accepted by the Provincial Government such committee shall be constituted from a date to be notified by the Provincial Government in the Official Gazette. The constitution, powers and duties of the committees shall be as laid down in the regulations made by the district school board:

Provided that the Provincial Government may on its own motion or on the recommendation of the district school board supported by at least two-thirds of the whole number of members of the board by an order dissolve a taluka advisory committee from a date to be notified in the Official Gazette.

B. Authorized Municipalities.

Authorized municipalities to exercise powers etc. and hold properties of local authority municipalities.

16. (*1*) The Provincial Government may authorize any municipality constituted under the Bombay District Municipal Act, 1901, or under the Bombay Municipal Boroughs Act, 1925, to control all approved schools within its area. Bom. III of 1901. Bom. XVIII of 1925.

(*2*) Subject to the provisions of this Act and of the rules and regulations made thereunder, all existing rights, liabilities, powers and duties of any municipality, which was a local authority under the Bombay Primary Education Act, 1923, immediately before the date of the coming into force of this Act, in respect of primary school teachers and other persons employed by it for the purposes of primary education shall on such date vest in and be performed or exercised by the said municipality as an authorized municipality under this Act; and all properties, moveable and immovable, vesting in or held by or under the control of such municipality for the purposes of primary education, shall from such date continue to vest in, be held by or be under the control of the said municipality as such authorized municipality. Bom. IV of 1923.

Duties and functions of authorized municipalities.

17. (*1*) Subject to the provisions of this Act and the rules made thereunder an authorized municipality shall perform the following duties and functions, namely :—

(*a*) to make adequate provision for maintaining the existing primary schools and opening new schools wherever necessary and for granting aid to approved schools which are not under the management of the Provincial Government or of the authorized municipality;

(*b*) to provide adequate accommodation and equipment for primary schools;

(*c*) to maintain an adequate number of assistant administrative officers, attendance officers, clerks, teachers and inferior servants;

(*d*) to make adequate provision for facilities for the free primary education of all children to whom a scheme of compulsion applies;

(*e*) to sanction with or without variation the budget of the municipal school board;

(*f*) to perform such other duties and functions as may be prescribed.

(2) The authorized municipality may, subject to the provisions of this Act and the rules made thereunder, also make provision for the welfare of the children attending primary schools within its area.

(3) The authorized municipality shall, subject to the sanction of the Provincial Government, make regulations—

(i) determining the qualifications, pay and terms of employment of the Assistant Administrative Officers, Attendance Officers, clerks and inferior staff;

(ii) regulating the administration, management and control of primary schools;

(iii) for the supply of books, slates and educational requisites to indigent children receiving primary education;

(iv) determining the qualifications, pay and terms of employment of the Administrative Officer appointed by it under section 22.

Powers, duties and functions of municipal school boards.

18. (1) Subject to the provisions of this Act and the rules made thereunder, the municipal school board shall be responsible for the management and control of all primary schools which vest in the authorized municipality and for the control of all other approved schools within the area of the authorized municipality; and the board shall exercise such powers and perform such duties and functions of the authorized municipality in respect of primary education as may be prescribed.

(2) Subject to the provisions of this Act and the rules made thereunder, a municipal school board shall perform the following duties and functions, namely:—

(a) to prepare schemes to be submitted by the authorized municipality to the Provincial Government for expansion of primary education and to carry out the provisions of such scheme;

(b) to disburse monies from the primary education fund in accordance with the budget sanctioned by the authorized municipality;

(c) to perform the duties and functions specified in clauses (f) to (j) and (l) and (m) of sub-section (2) of section 13;

(d) to perform such other duties and functions as may be prescribed.

(3) The municipal school board shall, with the sanction of the Director, make regulations laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school.

CHAPTER IV.

Non-authorized municipalities.

Exercise of powers, etc., and holding of property in respect of non-authorized municipalities.

19. (*1*) Subject to the provisions of this Act and of the rules made thereunder all properties moveable and immoveable vesting in, held by or under the control of any non-authorized municipality for the purpose of primary education shall vest in, be held by or be under the control of the district school board of the district in which it is situated or such authorized municipality as the Provincial Government may specify with the consent of the authorized municipality; and all existing rights, liabilities, powers and duties of any such non-authorized municipality in respect of primary school teachers and other persons employed by it for such purposes shall vest in and be performed or exercised under this Act and all approved schools within the area of such non-authorized municipality shall be controlled by the said district school board or the authorized municipality as the case may be.

(*2*) The Provincial Government may, at any time by an order published in the Official Gazette together with the reasons therefor, direct that any authorized municipality shall, with effect from a date specified in this behalf, cease to be an authorized municipality; and with effect from such date the said municipality shall be deemed to be a non-authorized municipality. The provisions of sub-section (*1*) shall thereupon apply in the case of such municipality.

(*3*) If any non-authorized municipality is at any time authorized by the Provincial Government to control all approved schools within its area, the said municipality shall be deemed to be an authorized municipality. Thereupon all properties moveable or immovable vesting in, held by or under the control of a district school board or an authorized municipality for the purposes of primary education in such area shall vest in, be held by or be under the control of such first mentioned municipality; and all existing rights, liabilities, powers and duties in respect of primary school teachers and other persons employed by such district school board or authorized municipality for the purposes of primary education in such area shall also vest in and be performed or exercised by the said first mentioned municipality.

CHAPTER V.

Administrative Machinery.

District local board, authorised municipality to maintain adequate staff and pay, etc.

20. (*1*) Every district school board with the approval of the Provincial Government and every authorized municipality shall maintain an adequate staff of Assistant Administrative Officers, Attendance Officers, clerks, primary school teachers and inferior servants and such other staff (including engineering staff) as may in the opinion of the

Provincial Government be necessary for the administration, management and control of approved schools within its area.

(2) The staff maintained under sub-section (1) shall be servants of the district school board or of the authorised municipality, as the case may be, and shall receive their pay, allowances, gratuities and pensions from its primary education fund.

(3) The rates and amounts of the pay and allowances in respect of all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorized municipality shall be as fixed from time to time by the Provincial Government.

(4) The Provincial Government may from time to time prescribe the duties to be performed by the staff maintained under sub-section (1).

Administrative Officer.

21. (1) For every school board there shall be an Administrative Officer. He shall be the Chief executive officer of the board; his powers and duties shall be as prescribed.

(2) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. He shall draw his pay and allowances from the provincial revenues.

Delegation of power to appoint Administrative Officer to certain authorised municipalities.

22. (1) Notwithstanding the provisions of section 21, the Provincial Government may by notification in the Official Gazette delegate the power to appoint an Administrative Officer to an authorized municipality which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 for three financial years immediately preceding the date of the notification. The Administrative Officer so appointed shall be the servant of the authorized municipality and shall draw his pay, allowances, gratuities and pension from its primary education fund.

Bom. XVIII of 1925.

(2) The appointment of such Administrative Officer shall be made after consultation with the municipal school board and with the approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removed from his office, reduced or suspended except by a resolution passed by at least two-thirds of the whole number of councillors of the authorized municipality.

(3) The qualifications, pay and the terms of employment of such Administrative Officer shall be in accordance with the regulations framed by the authorized municipality with the sanction of the Provincial Government.

Staff selection committee.

23. (*1*) There shall be a staff selection committee for every district school board or authorized municipality.

(*2*) The staff selection committee shall consist of the Educational Inspector of the division or any other officer designated by the Director, the chairman of the school board and the Administrative Officer.

(*3*) The Educational Inspector or the other officer so designated shall act as president and the Administrative Officer shall act as secretary of the staff selection committee.

(*4*) The committee shall select candidates for appointments as Assistant Administrative Officers, Attendance Officers, clerks and teachers and in the case of district school boards also members of the engineering staff in accordance with the instructions issued by the Provincial Government.

(*5*) The school board or the authorized municipality or the Administrative Officer, as the case may be, shall make appointments of the candidates so selected in accordance with the direction given by the staff selection committee.

Powers of Administrative Officers over school board staff.

24. (*1*) The Administrative Officer shall have power, subject to such general instructions as may be issued from time to time by the Director, to promote, transfer and take all disciplinary action (including removal or dismissal) against the staff maintained under section 20.

(*2*) Any person aggrieved by an order of dismissal, removal or reduction made under sub-section (*1*), may submit an appeal to a tribunal consisting of the chairman of the school board and the Educational Inspector of the division. The tribunal shall follow the prescribed procedure for the disposal of its business. In the event of a difference of opinion between the members of the tribunal the appeal shall be referred to the Director whose decision shall be final :

Provided that a primary school teacher who is a guaranteed teacher on the date of the coming into force of this Act, may make a further appeal to the Provincial Government against any order of removal or dismissal.

Explanation.—A guaranteed teacher means a primary school teacher who was holding a permanent appointment as such teacher on 30th June 1923.

(*3*) Any person aggrieved by any other order made under sub-section (*1*) involving disciplinary action may make an appeal to the Educational Inspector of the division whose decision shall be final.

(*4*) An appeal under sub-section (*2*) or sub-section (*3*) shall be made within 30 days from the date of the order appealed against.

CHAPTER VI.

Preparation and Enforcement of the Schemes of Compulsion.

Preparation of scheme.

25. It shall be the duty of the Administrative Officer of a district school board to prepare in accordance with the directions received from the Director in this behalf a scheme to provide compulsory primary education in such area and for such children of either sex or of both sexes, and up to such standard and within such period as the Director may specify. The Administrative Officer shall obtain the comments and suggestions of the district school board upon the scheme so prepared by him and shall submit it together with such comments and suggestions, if any, to the Director who shall forward it to the Provincial Government with his remarks.

Preparation of scheme by authorized municipality.

26. (*1*) An authorized municipality may by a resolution declare its intention to provide compulsory primary education in the whole or any part of its area in the case of children of either sex or of both sexes and up to such standard as the municipality may decide and shall submit its proposals to the Provincial Government through the Director in the form of a scheme.

(*2*) An authorized municipality, if called upon by the Provincial Government so to do, shall within a time to be specified by the Provincial Government submit to the Director a scheme to provide compulsory primary education in such area and in the case of such children of either sex or of both sexes and up to such standard and within such period as the Provincial Government may specify.

Particulars to be contained in scheme.

27. The scheme submitted under the two preceding sections shall be in the form prescribed and shall contain the following particulars :—

(*a*) area of compulsion ;

(*b*) the census of children of the age-groups to which the scheme shall apply classified by communities and regional languages ;

(*c*) a list of existing approved schools and the schools proposed to be opened ;

(*d*) a schedule of existing and proposed staff of Assistant Administrative Officers, Attendance Officers, clerks, teachers and inferior servants ;

(*e*) the manner in which provision shall be made in the area of compulsion for the education of children in different regional languages ;

(*f*) the recurring and non-recurring cost of the scheme and in the case of a scheme submitted by an authorized municipality the resolution of the municipality agreeing

to bear its share of the additional recurring and non-recurring cost;

(*g*) if there is a non-authorized municipality within the area of compulsion, the amount of annual contribution, which the municipality according to the orders issued by the Provincial Government under sub-section (*2*) of section 41 shall make.

Sanction of Provincial Government to scheme.

28. (*1*) The Provincial Government may after such inquiry as may be necessary sanction with or without modifications the scheme submitted under section 25 or 26. The scheme so sanctioned shall come into effect from such date as may be notified by the Provincial Government in the *Official Gazette*.

(*2*) Every scheme of compulsion sanctioned under the Bombay Primary Education Act, 1923, and which is in force immediately before the coming into force of this Act shall be deemed to be a scheme sanctioned under this Act.

Bor IV 192

Modification, etc., of sanctioned schemes.

29. A sanctioned scheme may with the sanction of the Provincial Government be withdrawn or from time to time modified by an authorized municipality, or may by an order published with the reasons for making it in the *Official Gazette* be modified, cancelled or temporarily suspended by the Provincial Government.

Power to exempt children of particular classes.

30. The Provincial Government may by notification in the *Official Gazette* exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.

No fees to be charged in area of compulsion.

31. When a scheme has been sanctioned, no fee shall be charged within the area of compulsion in any school maintained by the district school board or the authorized municipality, as the case may be, in respect of any child for the standards included in the scheme.

Duty of parent to cause children to attend school.

32. In every area of compulsion, the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Meaning of reasonable excuse.

33. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(*b*) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient or has received from the school board a certificate of having already completed his primary education upto the standard included in the scheme;

(*c*) where there is no approved school within the distance fixed by the school board under section 13 or 18, as the case may be;

(*d*) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under section 13 or 18, as the case may be, until such time as the parent is notified by the Administrative Officer that the child can be admitted;

(*e*) where there is no approved school in the locality in which instruction is given in the regional language of the child;

(*f*) where there is no approved school in the locality to which the parent can send the child without exposing it to religious instruction to which the parent objects.

Issue of attendance order.

34. (*1*) Where the school board is satisfied that the parent of any child who is bound under the provisions of section 32 to cause such child to attend an approved school, has failed to do so, the school board after giving the parent an opportunity of being heard and after such inquiry as it considers necessary may make an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order.

(*2*) This power may be delegated by the School Board to any of its members or to the Administrative Officer or other officer of the School Board.

(*3*) Any parent aggrieved by an order made under sub-section (*1*) may, within thirty days from the date of such order, appeal to the Educational Inspector of the Division who may confirm or rescind the order as he deems fit.

Penalty for failure to cause the child to attend approved school.

35. (*1*) Any parent against whom an order with reference to a child has been made under sub-section (*1*) of section 34 and who fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order shall, unless such order is rescinded in an appeal made under sub-section (*3*) of the said section 34,—

(*i*) if he resides in a town or village where there is a magistrate, on conviction by such Magistrate; or

(*ii*) if he resides in a village having a panchayat on conviction by a village bench; or

(*iii*) if he resides elsewhere, on conviction by a revenue or police patel or other person empowered in this behalf by the District Magistrate,

be liable to a fine not exceeding two rupees and if such failure continues after such conviction, he shall also on conviction by such Magistrate, village bench, patel or person be liable to a fine of eight annas for every day that the failure continues or is repeated.

(2) No magistrate, village bench, patel or person shall take cognisance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf.

Penalty for employing child to whom scheme applies.

36. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 32 apply, so as to interfere with the education or instruction of such child shall, on conviction, be liable to a [fine not exceeding twenty-five rupees.

(2) No court shall take cognisance of an offence under this section except on the complaint of the Administrative Officer or any other officer authorised by him in this behalf, and before making any complaint under this section against any person the Administrative Officer or such officer shall unless such person has been previously convicted under sub-section (1) cause a warning to be given to such person.

Administrative Officer to be public servant.

37. For the purposes of sections 35 and 36 the Administrative Officer shall be deemed to be a public servant within the meaning of proviso (*aa*) to section 200 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VII.

Approved Schools.

Subjects, curricula, etc. of approved schools.

38. The subjects, curricula, books and standards of teaching of approved schools shall be such as may from time to time be specified by the Provincial Government.

Recognition of and grants to approved schools under private management.

39. (1) Every primary school under private management which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

(2) Such recognition shall be given by the school board or by the Provincial Government and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

Inspection of approved schools: returns.

40. (1) Every approved school shall be open during school hours to inspection by the inspecting officers of the Provincial Government for the purpose, in particular, of ascertaining—

(*a*) whether instruction is given in accordance with the provisions of section 38.

(*b*) whether the provisions of this Act for the compulsory attendance of children are being carried out;

(*c*) whether the health of the school children is satisfactory;

(*d*) whether the instruction given is not of a pernicious nature;

(*e*) whether the registers and records are being maintained as required by the Director.

(2) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (1) of section 48 and to any officer specially, deputed under this sub-section by the Director in the discharge of their duties.

CHAPTER VIII.

Financial relations between the Provincial Government and Local Bodies.

Payment to be made by district local board and non-authorised municipality.

41. (1) Every district local board shall pay over annually to the district school board for the purposes of primary education such proportion of its income from its revenue described in clauses (*b*) and (*c*) of section 75 of the Bombay Local Boards Act, 1923, as the Provincial Government may from time to time fix in this behalf.

Bom. VI of 1923.

(2) Every non-authorised municipality shall pay over annually to the district school board or the authorized municipality, as the case may be, for the purposes of primary education such proportion of the rateable value of properties in the area of the municipality as may from time to time be fixed in this behalf by the Provincial Government and the income accruing from any funds (including trust funds) held, and all moneys received by it for the said purposes.

Contribution by Provincial Government.

42. (1) If a scheme submitted by an authorised municipality is sanctioned under section 28, the Provincial Government shall bear half of the additional recurring and non-recurring annual cost of the scheme so sanctioned; but the liability of the Provincial Government shall not exceed half of the said cost, as it was estimated by the authorized municipality.

(2) Nothing in this section shall affect the claim of any authorized municipality to any annual grant which at the time this Act comes into force is being paid to it as a local authority under the Bombay Primary Education Act, 1923, by the Provincial Government for the purposes of primary education:

Bom. IV of 1923.

Provided that, if the Provincial Government considers that the primary education fund of any authorized municipality has been or is about to be misused or misapplied, it may call upon such authorized municipality for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such authorized municipality as it may deem proper.

(3) The Provincial Government shall pay to a district school board a grant equal to the amount by which expenditure in accordance with the budget sanctioned under the next following section exceeds the receipts referred to in clauses (*b*) to (*d*) and (*f*) of sub-section (2) of section 44.

District school board budget.

43. The budget of the district school board shall in the prescribed manner be framed and submitted to the Provincial Government and the Provincial Government may sanction it with such modifications as it may deem fit to make therein.

Primary education fund.

44. (1) A fund called the primary education fund shall be maintained by every district school board and by every authorized municipality.

(2) The following shall form part of, or be paid into, the primary education fund :—

(*a*) the balance of the primary education fund maintained under section 8A of the Bombay Primary Education Act, 1923 ; Bom. IV of 1923.

(*b*) the contributions payable by non-authorized municipalities under sub-section (2) of section 41 ;

(*c*) fees and fines received in respect of primary schools maintained by the school board or the authorized municipality, as the case may be ;

(*d*) in the case of a district school board, such proportion of the income of the district local board as the Provincial Government may fix under sub-section (1) of section 41 ;

(*e*) the grant paid or payable by the Provincial Government on account of primary education ;

(*f*) such other sums as may from time to time be received on account of primary education.

Application of primary education fund.

45. (1) The primary education fund shall stand in the name of the school board and shall, subject to the provisions of the Act be applied for the purposes specified therein and for such other purposes as may be prescribed.

(2) The fund shall be maintained, administered and used in the manner prescribed.

Deposit of primary education fund.

46. (1) The primary education fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to have been registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the Provincial Government. Bom. VII of 1925.

(2) It shall be lawful for the school board to invest such portion of the primary education fund as is not likely to be immediately required in post office cash certificates or in securities of the Central Government or any Provincial Government.

(3) Every investment in Government securities shall be made through the Reserve Bank of India or any other bank approved by the Provincial Government in this behalf.

Payment of travelling allowances to chairman, vice-chairman and members of school board.

47. The chairman, vice-chairman and members of the school board may be paid allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such rates and subject to such conditions as may be prescribed.

CHAPTER IX.

Control.

Inspecting staff.

48. (1) The Provincial Government may appoint such officers (including inspecting officers) as it may deem necessary for the purposes of supervision and inspection and generally for the purposes of securing the effective execution of this Act.

(2) The officers appointed under sub-section (1) shall be the servants of the Provincial Government, and their powers and duties shall be such as may be prescribed.

Inspecting officers to be present at school board meetings.

49. (1) An inspecting officer nominated by the Director in this behalf shall have the right of being present at any meeting of the school board, and with the consent of the chairman, of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution, at such meeting.

Powers of supervision.

(2) The Director or Educational Inspector or any officer authorised by general or special order of the Provincial Government may—

(a) (i) enter on and inspect any immovable property occupied for any purpose connected with primary education by a school board or authorized municipality or any educational institution under its control or management; or

(ii) cause such property or institution to be entered upon and inspected by any other person authorized by him in this behalf;

(b) call for any extract from the proceedings of any authorized municipality or school board, or of any committee appointed by any of them relating to any matter connected with primary education; or

(c) call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of an authorized municipality or school board.

Power to call for return or require explanation etc.

50. The Director may—

(*a*) call for from any authorized municipality or school board or Administrative Officer any return, statement, account or report relating to any matter connected with primary education,

(*b*) call upon an authorized municipality or school board to take into consideration any objection which appears to him to exist to the doing of anything connected with primary education which is about to be done by such municipality or board or any information furnished by him which appears to him to necessitate the doing of a certain thing by such municipality or board and to make a written reply to him within a reasonable time, stating in case of disagreement with the Director its reasons for not desisting from doing or for not doing such a thing.

Power of suspending execution of orders, etc. of School Board.

51. (*1*) If, in the opinion of the Director, the execution of any order or resolution of a school board or the doing of anything which is about to be done or is being done by or on behalf of the board is, in excess of the powers conferred by, or contrary to, this Act or the rules or regulations made thereunder, or is otherwise unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(*2*) When the Director makes an order under sub-section (*1*), he shall forthwith forward to the board affected by it a copy of such order with a statement of the reasons for making it.

(*3*) The Director shall forthwith submit to the Provincial Government a report of every case occurring under this section and the Provincial Government may confirm, revise or modify any order made therein and make in respect thereof any other order :

Provided that no order of the Director passed under this section shall be confirmed, revised or modified by the Provincial Government without giving the board reasonable opportunity of showing cause against the said order.

Default by authorized municipality.

52. (*1*) If any authorized municipality when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory primary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Provincial Government may after due inquiry appoint a person to prepare the scheme or bring it into operation or to continue to keep it in operation, as the case may be, and the expense thereof shall be paid by the authorized municipality to the Provincial Government.

(*2*) If the expense is not so paid the Provincial Government may make an order directing any person who has for the

time being custody of any moneys on behalf of the authorized municipality either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Power of Provincial Government to provide for performance of duties on default by school board.

53. (*1*) When the Provincial Government is informed that a school board has made a default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if it is satisfied after such inquiry as it may think fit, that the school board has been guilty of such default, by an order in writing direct the school board to perform the duty within a period fixed for the performance of that duty :

Provided that no such order shall be made unless the school board has been given an opportunity to show cause why such order should not be made.

(*2*) If such a duty is not performed within the period so fixed, the Provincial Government may appoint some person to perform it and may direct that the expenses of performing it with a reasonable remuneration to the person appointed to perform it shall be paid within such time as it may fix to such person by the school board or as the Provincial Government may direct.

(*3*) If the expenses and remuneration are not paid, the Provincial Government may make an order directing the officer in charge of the treasury or bank or society in which the primary education fund is kept or the whole or portion thereof is deposited or lent at interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the school board in such treasury or bank or society or as may from time to time be received from or on behalf of the school board by way of deposit by such treasury or bank or society ; and such officer or bank or society shall be bound to obey such order. Every payment made in pursuance to such order shall be a sufficient discharge to such officer, bank or society from all liabilities to the school board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the school board in such treasury, bank or society.

Directions by Provincial Government.

54. Notwithstanding anything contained in this Act, the Provincial Government shall have power to give to a district school board all such directions as it may consider necessary in regard to any matter connected with primary education and the district school board shall comply with such directions.

Enquiry into affairs of school board.

55. (*1*) The Provincial Government may, from time to time, cause enquiry to be made by any of its officers in regard to any authorized municipality or school board on matters connected with primary education concerning them or any matters with respect to which the sanction, approval, consent

or order of the Provincial Government is required by or under this Act.

(2) The officer holding such enquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry. V of 1908.

(3) The Provincial Government may make orders as to the costs of any enquiries made under sub-section (1) and as to the party by whom and the funds out of which they shall be paid, and such order may, on the application of the Provincial Government or of any person named therein be executed as if it were a decree of a civil court.

Dissolution or supersession of school board in certain circumstances.

56. (1) If in the opinion of the Provincial Government a school board is not competent to perform or is not properly performing the duties imposed on it by or under this Act or the rules or regulations made thereunder or exceeds or abuses its powers, or is acting or has acted contrary to the provisions of this Act or the rules or regulations made thereunder, it may, by an order published in the Official Gazette with the reasons for making it either—

(a) dissolve the Board, or

(b) supersede it for a period to be specified in the order.

(2) When the school board is dissolved or superseded, the following consequences shall ensue :—

(a) all members of the board shall in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, vacate their offices as such members ;

(b) all powers and duties of the board, shall, during the period of dissolution or supersession, be exercised and performed by such persons as the Provincial Government may from time to time appoint in this behalf ;

(c) the persons appointed under clause (b) may delegate their powers and duties to any individual or committee or sub-committee.

(3) On the issue of an order of dissolution under sub-section (1) election of members shall be held under the provisions of this Act or of the rules made thereunder on or before the date to be specified by the Provincial Government and the board shall be re-established by the election, appointment or nomination of members under the aforesaid provisions on such date as may be specified by the Provincial Government.

(4) If, after enquiry made, the Provincial Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may

be fixed by the Provincial Government for the re-establishment of the board.

(5) After the board is superseded it shall be re-established by election, appointment or nomination of members under the provisions of this Act or the rules made thereunder applicable thereto—

(a) if no direction has been made under sub-section (4), on the expiration of the period specified in the order of supersession under clause (b) of sub-section (1), and

(b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the school board.

Dissolution of district school board and its re-constitution on alteration of limits of district.

57. (1) When during the term of office of the members of a district school board the limits of the district are on account of the formation of a new district under the Bombay Land Revenue Code, 1879, or for any other reason altered, the Provincial Government may, by order published in the Official Gazette, dissolve such board from a date specified in the order and direct a district school board—

Bom. V of 1879.

(i) to be reconstituted for the district of which the district school board has been dissolved, or

(ii) to be established for a new district which has been constituted.

The members of the district school board which has been dissolved shall vacate their offices from the date specified in the order.

(2) The district school board re-constituted or established under the provisions of sub-section (1) shall consist of such number of members elected, appointed or nominated in such manner as the Provincial Government may by order in writing direct. The chairman and vice-chairman of the district school board so re-constituted or established shall be elected in the manner provided in this Act and the rules made thereunder.

(3) The members of a district school board reconstituted or established under the provisions of sub-section (2) shall hold office for such period, not exceeding one year as the Provincial Government shall by order specify.

(4) On the expiry of the period of office of the member of a district school board under the provisions of sub-section (3), the district school board shall be constituted in the manner provided in section 4.

CHAPTER X.

Provincial Board of Primary Education.

Constitution of Provincial Board of Primary Education.

58. (1) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, of whom not more than three shall be Government officers, shall be appointed by the Provincial Government.

(2) The members of the said board shall hold office for a period of three years :

Provided that the term of office of the out-going members shall be deemed to extend to and to expire with the date on which their successors are elected or appointed, as the case may be.

(3) Any member of the said board may resign his seat at any time by giving notice thereof in writing to the president ; and such member shall be deemed to have vacated his seat as soon as the president has received his resignation.

(4) Any member of the said board who absents himself from three consecutive meetings of the board without its previous permission shall cease to be a member of the board.

(5) The provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of the said board remove any member of the said board if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no such member shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

(6) The elected members of the said board shall be persons having any of the following qualifications :—

(a) a graduate of seven years' standing of any recognised University ;

(b) a professor who has served as such for a period of five years in a college affiliated to a statutory University in the Province of Bombay ;

(c) a headmaster who has served as such for ten years in any primary school or high school recognised by the Educational Department of the Provincial Government.

(7) The said board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the board. Of the members appointed by the Provincial Government, one member selected by the Provincial Government and belonging to the Educational Department shall act as Secretary to the board.

(8) Casual vacancies during the term of the said board shall be filled for the remaining period by election or appointment as the case may be.

59. The powers and duties of the said board shall be as follows, namely :— Powers and duties of Provincial Board.

(*a*) to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province;

(*b*) to advise the Provincial Government generally on all matters connected with primary education;

(*c*) to exercise such other powers and to perform such other duties as may be prescribed.

CHAPTER XI.

Miscellaneous.

60. The Provincial Government may delegate any of its powers or duties under this Act to any officer or authority subordinate to it. Delegation of its powers by Provincial Government.

61. (*1*) An authorized municipality may delegate any of its powers, duties and functions under this Act to the municipal school board. Delegation by authorized municipalities and school boards of their powers, duties and functions.

(*2*) (*a*) A school board may from time to time constitute committees and discontinue or alter the constitution of such committees.

(*b*) The school board may delegate any of its powers, duties and functions to any such committee or to any member or Administrative Officer or stipendiary or any other officer of the board; and such committee, member or officer shall conform to any instructions that may from time to time be given by the board.

(*3*) The authorized municipality or the school board may at any time withdraw any of the powers, duties and functions so delegated.

62. (*1*) No suit, prosecution or other legal proceeding shall be commenced against any school board or authorized municipality or a servant thereof or any person acting under the orders of the said board or municipality for anything done, or purporting to have been done in pursuance of this Act, which entitles or requires a school board, authorized municipality, member, officer, servant as such or other person so acting to exercise any powers or perform duties without giving to such school board, authorized municipality, member, officer, servant or person one month's previous notice in writing of the intended acting and of the cause thereof, or after six months from the date of the act complained of. Limitation of suits.

(*2*) In the case of any such suit for damages if tender of sufficient amends shall have been made before the action

was brought, the plaintiff shall not recover more than the amount as tendered, and shall pay all costs incurred by the defendant after such tender.

Power to make rules.

63. (*1*) The Provincial Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions such rules may be made for all or any of the following matters :—

(*a*) the manner of election of the chairman, vice chairman and the members of a school board ;

(*b*) procedure for the conduct of school board's business ;

(*c*) procedure for sanctioning tenders ;

(*d*) pensions, gratuities and provident funds for the staff maintained by the district school board and for the primary school teachers maintained by an authorized municipality ;

(*e*) provision for the welfare of the children attending primary schools including provision for the care of their health, for their physical and moral training and the supply of meals to them ;

(*f*) pre-vocational courses as a part of upper primary courses ;

(*g*) regulation of the delegation of powers, duties and functions under the Act ; and

(*h*) matters to be prescribed under the Act.

(*3*) Rules made under sub-sections (*1*) and (*2*) shall be made after previous publication.

Repeal and transitory provision relating to school boards.

64. The Bombay Primary Education Act, 1923, is hereby repealed : Bom. IV of 1923.

Provided that until a new school board is constituted under section 4, any existing school board under the Bombay Primary Education Act, 1923, shall exercise all the powers and perform all the duties and functions and shall be subject to all the rights and liabilities as if it is constituted under this Act. Bom. IV of 1923.

Act to prevail over provisions of certain other Acts.

65. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the provisions relating to primary education in the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925. Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

STATEMENT OF OBJECTS AND REASONS.

Government has decided that compulsory education up to primary fourth standard should be introduced throughout the Province within a period of about 10 years. It is necessary that this great educational expansion is carried on efficiently and that there is co-ordination and uniformity of method in the process of expansion. Government also realises that it will have to bear a considerably larger share of expenditure on primary education in the rural areas and in the areas of the smaller municipalities.

2. The working of the existing Primary Education Act as amended in 1938 has also brought to notice some drawbacks which it is necessary to remove.

3. The scheme of the present Bill is broadly as follows. In respect of the district school board Government proposes to bear all the necessary expenditure for primary education excepting certain fixed contributions from the district local board and the non-authorized i.e. smaller municipalities represented on the district school board. Correspondingly the district local board and such municipalities have been assigned the only duty of electing members on the district school board and will otherwise have no other functions to perform in the field of primary education. Duties and functions under the Act are entrusted to the district school boards.

4. As the financial burden in respect of the district school board will in the main be borne by the Government, the rates of pay and allowances of all the staff under the district school board will hereafter be fixed also by the Government. In the case of authorized municipalities, however, Government will fix the pay and allowances only of teachers.

5. Power has been taken to nominate a few persons experienced in education on school boards including one Government officer. Representation for head masters of primary schools has also been made possible on the Provincial Board of Primary Education.

6. For all school boards, provision has been made for the staff to be selected by a Staff Selection Committee. It is also provided that appeals in respect of the major punishments of dismissal, removal or reduction shall be heard by a joint board of Educational Inspector and the chairman of the school board.

7. It is intended by the machinery of the Staff Selection Committee and the Appellate Tribunal to ensure efficient selection and working of all the executive staff.

8. As regards the preparation of schemes in a district school board area a shorter and more direct procedure has been laid down, the duty devolving on the Administrative Officer himself. The views and comments of the district school board have however necessarily to be taken and forwarded to Government.

9. Provision has also been made for the voluntary relinquishment by a district school board of its duties if it prefers to act in an advisory capacity and also of establishment of Taluka Advisory Committees if the district school board so desires.

10. In all other respects the present provisions of the Act are retained in almost their entirety. For convenience however an entirely new Bill has been drafted to take the place of the present Act.

(Signed) B. G. KHER.

Dated 16th September 1947.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 16th September 1947.

V—87

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLVIII OF 1947.

A Bill to provide for compulsory primary education to make better provision for the management and control of primary education in the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 29th October 1947.)

(As read for the third time and passed by the Legislative Council on the 4th November 1947.)

WHEREAS it is the duty of Government to secure the development and expansion of primary education; and whereas it is the declared policy of Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion; and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title and extent.

1. (*1*) This Act may be called the Bombay Primary Education Act, 1947.

(*2*) It extends to the whole of the Province of Bombay except the City of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*1*) "Administrative Officer" means an officer appointed under section 21 or 22;

(*2*) "Approved school" means a primary school maintained by the Provincial Government or by a school board or by an authorized municipality or which is for the time being recognised as such by a school board or by the Provincial Government or by an officer authorized by it in this behalf;

L Bk Hb 265—1

(*3*) " Area of compulsion " means the area in which primary education up to any standard is compulsory;

(*4*) " Area of an authorized municipality " means the area comprised within the limits of such municipality and shall include the area of a non-authorized municipality approved schools in which vest in or are controlled by the authorized municipality;

(*5*) " To attend an approved school " means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required under the regulations framed by the school board;

(*6*) " Authorized Municipality " means a municipality which is authorized by the Provincial Government under sub-section (*1*) of section 16 to control all approved schools within its area;

(*7*) " Child " means a boy or girl whose age is not less than six and not more than fourteen years at the beginning of the school year.

Explanation.—For the purposes of this definition, " school year " shall mean the year beginning with such date as the school board may, with the sanction of the Director, fix;

(*8*) " Director " means the Director of Public Instruction for the Province of Bombay;

(*9*) " District " in clause (*h*) of section 5, in section 6, sub-section (*3*) of section 10, and section 19 means the district as formed under the Bombay Land Revenue Code, 1879, and elsewhere the area comprised in a district so formed excluding the areas of authorized municipalities and cantonments; Bom. V of 1879.

(*10*) " District School Board " means a school board constituted for a district under section 3;

(*11*) " Municipal School Board " means a school board constituted for the area of an authorized municipality under section 3;

(*12*) " Non-authorized Municipality " means a municipality other than an authorized municipality;

(*13*) " Parent " includes a guardian or any person who has the custody of a child;

(*14*) " Prescribed " means prescribed by rules made under this Act;

(*15*) " Primary Education " means education in such subjects and up to such standards as may be determined by the Provincial Government from time to time;

(16) " Primary Education Fund " means the fund maintained under section 44;

(17) " Primary School " means a school or a part of a school in which primary education up to any standard is imparted;

(18) " Provincial Board of Primary Education " means the board constituted under section 58;

(19) " School Board " means a district school board or a municipal school board, as the case may be.

CHAPTER II.

Constitution of District and Municipal School Boa

3. (1) For each district there shall be a district school board. School boards.

(2) For each area of an authorized municipality there shall be a municipal school board.

4. (1) Each school board shall consist of members not less than twelve and not more than sixteen in number. Constitution of school boards.

(2) Of these members not less than two and not more than three in number shall be appointed by the Provincial Government.

(3) The number of members under sub-sections (1) and (2) shall be determined by the Provincial Government from time to time.

(4) Of the members appointed by the Provincial Government under sub-section (2) one shall be an officer of the Provincial Government; and the remaining shall be persons (i) who shall have passed the matriculation examination or shall possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf or (ii) who have had experience of the system or institutions of primary education.

(5) (a) The members other than those appointed by the Provincial Government shall be elected by the district local board or the authorized municipality, as the case may be:

Provided that where approved schools within the area of any non-authorized municipalities are controlled by the district school board or the authorized municipality, not more than two of such members as may be determined by the Provincial Government from time to time shall be elected in the manner prescribed by the said non-authorized municipalities, on the district school board or municipal school board, as the case may be.

(b) Members elected under this sub-section shall not necessarily be members of the electing local authority.

(6) Of the members elected by the district local board or by the authorized municipality—

(a) one at least shall be a woman; and

(b) such number not exceeding three as may be prescribed shall be from amongst the minorities and backward communities.

(7) Members elected under sub-section (5) shall have passed the primary school certificate examination or shall possess such other equivalent or higher educational qualification as may be prescribed:

Provided that persons from amongst the backward communities shall be eligible for being elected as members if they shall have passed at least the primary fourth standard examination:

Provided further that out of the seats of the members to be elected by the district local board or the authorized municipality not less than three shall be reserved in the prescribed manner for persons who have passed the matriculation or second year training certificate examination.

Explanation.—For the purposes of sub-sections (6) and (7) "minorities" and "backward communities" shall mean such classes and communities as may be prescribed.

(8) If the Provincial Government is satisfied that any election (including a bye-election) cannot for any reason be held at all or cannot be completed within such period as the Provincial Government considers reasonable or has not resulted in the return of the required number of qualified persons willing to take office, the Provincial Government shall nominate from amongst persons who would have been qualified to be elected the required number of persons as members of the school board and the persons so nominated shall be deemed to have been duly elected under sub-section (5).

(9) Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the electing district local board or authorized municipality:

Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the district local board or authorized municipality, as the case may be, is dissolved or superseded.

(10) (a) If the term of office of the members of a school board expires during the supersession of the electing district local board or authorized municipality, a new school board

909

shall be constituted as provided in sub-sections (*1*) to (*7*) until the district local board or authorized municipality, as the case may be, is re-established, provided that the members of such school board shall be nominated by the Provincial Government.

(*b*) The term of office of the members of the school board so nominated shall be for such period not exceeding three years as the Provincial Government may determine:

Provided that if during such period the district local board or authorized municipality, as the case may be, is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is constituted.

(*11*) Notwithstanding the expiry of the term of the members of any school board under sub-section (*9*) or (*10*), they shall continue in office until the members of a new school board are elected, appointed or nominated, as the case may be.

(*12*) (*a*) Any member of a school board other than the chairman or vice-chairman may resign his office by giving notice in writing to that effect to the chairman and such resignation shall take effect from the date of its receipt by the chairman.

(*b*) The vice-chairman may resign his office as vice-chairman or member by giving notice in writing to that effect to the chairman. The chairman may resign his office as chairman or member by giving notice in writing to that effect to the president of the district local board or of the authorized municipality, as the case may be. Such resignations shall take effect from the date of their acceptance by the chairman or the president.

(*13*) Casual vacancies including that of a chairman or vice-chairman during the term of a school board shall be filled for the remaining period by election, appointment or nomination, as the case may be.

Disqualifications of members.

5. No person shall be elected, appointed or nominated a member of a school board who—

(*a*) is less than 25 years of age, or

(*b*) is a judge of a civil court or a magistrate, or

(*c*) (*i*) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of the said Code, such order not having subsequently been reversed or quashed, or V of 1898.

(*iii*) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(*d*) is a stipendiary officer or an employee of any school board, or district local board or municipality, or

(*e*) who has been adjudged an insolvent and has not obtained his discharge, or

(*f*) has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of, or in any contract entered into on behalf of the school board or the electing local authority, or

(*g*) is an employee or a teacher in any approved school, or

(*h*) has resided within the district for a period of less than six months preceding the date fixed for recording of votes for elections to the school board, or

(*i*) has been adjudged by a competent court to be of unsound mind.

Explanation.—A person shall not be deemed to have ncurred disqualification under clause (*f*) by reason of iis—

(*a*) having any share or interest in any lease, sale or purchase of any immovable property or in an agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(*b*) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which may contract with or be employed by or on behalf of the school board or the electing local authority, or Bom. VII of 1925.

(*c*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the electing local authority may be inserted, or

(*d*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the electing local authority, or

(*e*) having a share or interest in the occasional sale to the school board or electing local authority of any article in which he regularly trades, or in the purchase from the school board or the electing local authority of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*f*) having a share or interest in the occasional letting out on hire to the school board or the electing local authority or in the hiring from the school board or the electing local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*g*) being a police patel who is an *ex-officio* keeper of village cattle pounds under the control of the electing local authority.

Determination of validity of elections; enquiry by Judge; procedure.

6. (*1*) If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election, such person may, at any time within fifteen days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(*2*) An enquiry shall thereupon be held by a Judge not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken for holding a fresh election.

(*3*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of members is in question shall as far as possible be heard by the same Judge, and

(*b*) in which the validity of the election of the same member is in question shall be heard together.

(*4*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not allow (*a*) any application to be compromised or withdrawn, or (*b*) any pleadings in the proceedings to be altered or amended, unless he is satisfied that such application, alteration or amendment is *bona fide* and not collusive. V of 1908.

(*5*) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (*6*), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(*6*) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person; or

(*b*) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote;

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit"

(*i*) does not include a promise to vote for or against any particular measure which may come before a school board for consideration, but

913

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(7) If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.

(8) If the Judge sets aside an election under clause (*a*) of sub-section (5) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of sub-section (6) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive:

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made:

Provided further that such person may by an order of the Provincial Government in that behalf be at any time relieved from such disqualification.

Disqualification after becoming member.

7. (1) If any member of a school board, during the term for which he has been elected, appointed or nominated—

(*a*) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(*b*) becomes subject to any of the disqualifications mentioned in section 6,

he shall be disabled from continuing to be a member of such board and his seat shall be deemed to be vacant:

Provided that he shall not be deemed to have incurred any disqualification under clause (*f*) of section 5 by reason of his having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

Disabilities on account of interest in subject-matter.

8. A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in clause (*f*) of section 5 or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

Removal of members of school board for misconduct.

9. The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of—

(*i*) a school board, or

(*ii*) the district local board or the authorized municipality which elected the member,

remove any member elected, appointed or nominated on the school board, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity:

Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

Election of chairman and vice-chairman.

10. (*1*) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.

(*2*) A chairman or a vice-chairman shall be removable from office by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board, sanction is accorded by the Provincial Government for such removal and provided, further, that before such resolution is passed, the chairman or vice-chairman is given at least two weeks' notice of such resolution and a reasonable opportunity of showing cause why such resolution should not be passed.

(*3*) Every chairman or vice-chairman who, for a continuous period exceeding three months, absents himself from the district without leave of the school board shall cease to be chairman or vice-chairman.

(*4*) No leave shall be granted by the school board under sub-section (*3*) for a total period exceeding six months during the term of the school board.

(*5*) Whenever leave is granted to a vice-chairman under sub-section (*3*), a member shall be elected to be vice-chairman during the period of such leave.

915

CHAPTER III.

Powers, duties and functions of District School Boards, Authorized Municipalities and Municipal School Boards.

A. District School Boards.

Incorporation of district school boards.

11. Every district school board shall be a body corporate by the name of "The District School Board of.....", and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, whether within or without the limits of its area, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and do all things necessary for the purposes of this Act.

Vesting of property in and absorption of staff by district school board.

12. (*1*) Notwithstanding anything contained in any law, on the constitution of a district school board under section 4 all primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vested in, held by or were under the control of the district local board for the purposes of primary education immediately before the date on which the school board was constituted, shall, on such date be vested in, held by or be under the control of the district school board for the said purposes:

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the matter shall be referred to the Provincial Government whose decision thereon shall be final.

(*2*) On a date notified by the Provincial Government in this behalf, every district local board shall transfer and every district school board shall take over and employ such primary school teachers and other persons as were employed by or under the district local board on such date for the purposes of primary education, on the same terms and conditions on which such teachers or persons were employed by or under the said district local board.

(*3*) The existing and future rights, liabilities, duties and powers of the district local board in respect of such teachers or other persons so far as they are not inconsistent with the provisions of this Act or the rules or regulations made thereunder shall vest in and be performed or exercised by the said district school board on and as from the date notified under sub-section (*2*).

Powers, duties and functions of district school boards.

13. (1) Subject to the provisions of this Act and the rules made thereunder, the district school board shall have control over all approved schools within the district and may grant aid to any approved school other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality.

(2) Subject to the provisions of this Act and the rules made thereunder, and so far as its primary education fund will allow, the district school board shall perform the following duties and functions :—

(a) to provide for the welfare of the children attending primary schools ;

(b) to maintain an adequate number of primary schools ;

(c) to provide adequate accommodation and equipment for primary schools ;

(d) to maintain an adequate staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary ;

(e) to maintain an adequate number of engineering staff required for the construction and maintenance of schools and other buildings ;

(f) to determine, on the recommendation of the Administrative Officer, the distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (c) of section 33 ;

(g) to determine with the approval of the Educational Inspector the hours of instruction and the number and duration of vacations ;

(h) to determine the exact location of primary schools ;

(i) to grant on the recommendation of the Administrative Officer exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school ;

(j) to sanction all tenders for the supply of forms, stationery, furniture or equipment ;

(k) to suggest the opening of additional schools for the sanction of the Provincial Government ;

(l) to recommend to the Director such modifications in the curriculum as may seem necessary to suit local requirements ;

(m) to advise the Provincial Government generally in respect of primary education within the district ;

(*n*) to carry on propaganda for the expansion of primary education;

(*o*) to perform such other duties and functions as may be prescribed.

(*3*) The district school board shall from time to time with the sanction of the Director make regulations not inconsistent with the provisions of this Act and the rules made thereunder for—

(*i*) laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school;

(*ii*) determining the constitution, powers and duties of the taluka advisory committees;

(*iii*) the supply of books, slates, educational requisites, milk, meals or clothes to children of any age receiving primary education, if provision for such supply is made.

Relinquishment of powers and duties.

14. (*1*) The district school board may, by a resolution passed by at least two-thirds of the whole number of members of the board, and with the consent of the District Local Board, intimate to the Provincial Government that it desires to relinquish its powers and duties excepting the duties of advising and of carrying on propaganda for the expansion of primary education.

(*2*) If, on receipt of such intimation, the Provincial Government so directs, all powers and duties of the district school board, other than those so excepted, shall from such date and for such period as may be notified by the Provincial Government in this behalf be exercised and performed on behalf of the Provincial Government in the prescribed manner.

(*3*) All primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vesting in, held by or were under the control of the district school board immediately before the date notified by the Provincial Government under sub-section (*2*) shall vest in, be held by or be under the control of the Provincial Government during the period notified under the said sub-section.

Constitution of taluka advisory committee.

15. The district school board may by a resolution recommend to the Provincial Government the establishment of taluka advisory committees for all or any of the talukas in the district to advise it in respect of primary education. On such recommendation being accepted by the Provincial Government such committees shall be constituted from a date to be notified by the Provincial Government in the *Official Gazette*. The constitution, powers and duties of the committees shall be as laid down in the regulations made by the district school board:

Provided that the Provincial Government may on its own motion or on the recommendation of the district school board supported by at least two-thirds of the whole number of members of the board by an order dissolve a taluka advisory committee from a date to be notified in the *Official Gazette*.

B. Authorized Municipalities.

Authorized municipalities to exercise powers etc. and hold properties of local authority municipalities.

16. (*1*) The Provincial Government may authorize any municipality constituted under the Bombay District Municipal Act, 1901, or under the Bombay Municipal Boroughs Act, 1925, to control all approved schools within its area. Bom. III of 1901. Bom. XVIII of 1925.

(*2*) Subject to the provisions of this Act and of the rules and regulations made thereunder, all existing and future rights, liabilities, powers and duties of any municipality, which was a local authority under the Bombay Primary Education Act, 1923, immediately before the date of the coming into force of this Act, in respect of primary school teachers and other persons employed by it for the purposes of primary education shall on such date vest in and be performed or exercised by the said municipality as an authorized municipality under this Act; and all properties, moveable and immovable, vesting in or held by or under the control of such municipality for the purposes of primary education, shall from such date continue to vest in, be held by or be under the control of the said municipality as such authorized municipality. Bom. IV of 1923.

Duties and functions of authorized municipalities.

17. (*1*) Subject to the provisions of this Act and the rules made thereunder an authorized municipality shall perform the following duties and functions, namely:—

(*a*) to make adequate provision for maintaining the existing primary schools and opening new schools wherever necessary and for granting aid to approved schools other than primary schools maintained by the Provincial Government or by a school board or by an authorized municipality;

(*b*) to provide adequate accommodation and equipment for primary schools;

(*c*) to maintain an adequate staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary;

(*d*) to make adequate provision for facilities for the free primary education of all children to whom a scheme of compulsion applies;

(*e*) to sanction with or without variation the budget of the municipal school board;

(*f*) to perform such other duties and functions as may be prescribed.

919

(2) The authorized municipality may, subject to the provisions of this Act and the rules made thereunder, also make provision for the welfare of the children attending primary schools within its area.

(3) The authorized municipality shall, subject to the sanction of the Provincial Government, make regulations—

(i) determining the qualifications, pay and terms of employment of the Assistant Administrative Officers, supervisors, Attendance Officers, clerks, inferior servants and other staff;

(ii) regulating the administration, management and control of primary schools;

(iii) determining the qualifications, pay and terms of employment of the Administrative Officer appointed by it under section 22;

(iv) for the supply of books, slates, educational requisites, milk, meals or clothes to children receiving primary education, if provision for such supply is made.

C. Municipal School Boards.

Powers, duties and functions of municipal school boards.

18. (1) Subject to the provisions of this Act and the rules made thereunder, the municipal school board shall be responsible for the management and control of all primary schools which vest in the authorized municipality and for the control of all other approved schools within the area of the authorized municipality excepting such as are maintained by the Provincial Government; and the board shall exercise such powers and perform such duties and functions of the authorized municipality in respect of primary education as may be prescribed.

(2) Subject to the provisions of this Act and the rules made thereunder, a municipal school board shall perform the following duties and functions, namely:—

(a) to prepare schemes to be submitted by the authorized municipality to the Provincial Government for expansion of primary education and to carry out the provisions of such scheme;

(b) to disburse monies from the primary education fund in accordance with the budget sanctioned by the authorized municipality;

(c) to perform the duties and functions specified in clauses (f) to (j) and (l) and (n) of sub-section (2) of section 13;

(d) to perform such other duties and functions as may be prescribed.

(3) The municipal school board shall, with the sanction of the Director, make regulations laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school.

CHAPTER IV.

Non-authorized municipalities.

Exercise of powers, etc., and holding of property in respect of non-authorized municipalities.

19. (*1*) Subject to the provisions of this Act and of the rules made thereunder all properties moveable and immovable vesting in, held by or under the control of any non-authorized municipality for the purpose of primary education shall vest in, be held by or be under the control of the district school board of the district in which it is situated or such authorized municipality as the Provincial Government may specify with the consent of the authorized municipality; and all existing and future rights, liabilities, powers and duties of any such non-authorized municipality in respect of primary school teachers and other persons employed by it for such purposes shall vest in and be performed or exercised under this Act and all approved schools within the area of such non-authorized municipality shall be controlled by the said district school board or the authorized municipality, as the case may be.

(*2*) The Provincial Government may, at any time by an order published in the *Official Gazette* together with the reasons therefor, direct that any authorized municipality shall, with effect from a date specified in this behalf, cease to be an authorized municipality; and with effect from such date the said municipality shall be a non-authorized municipality. The provisions of sub-section (*1*) shall thereupon apply in the case of such municipality.

(*3*) If any non-authorized municipality is at any time authorized by the Provincial Government to control all approved schools within its area, the said municipality shall thereafter be an authorized municipality. Thereupon all properties moveable or immovable vesting in, held by or under the control of a district school board or an authorized municipality for the purposes of primary education in such area shall vest in, be held by or be under the control of such first mentioned municipality; and all existing and future rights, liabilities, powers and duties in respect of primary school teachers and other persons employed by such district school board or authorized municipality for the purposes of primary education in such area shall also vest in and be performed or exercised by the said first mentioned municipality.

CHAPTER V.

Administrative Machinery.

District school board, authorised municipality to maintain adequate staff, pay, etc.

20. (*1*) Every district school board with the approval of the Provincial Government and every authorized municipality shall maintain an adequate staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, primary school teachers and inferior servants and other staff (including engineering staff), as may in the opinion of the

921

Provincial Government be necessary for the administration, management and control of approved schools within its area.

(2) The staff maintained under sub-section (1) shall be servants of the district school board or of the authorized municipality, as the case may be, and shall receive their pay, allowances, provident fund, gratuities and pensions from its primary education fund.

(3) The rates of the pay and allowances and terms of employment in respect of all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorized municipality shall be as fixed from time to time by the Provincial Government.

(4) The Provincial Government may from time to time prescribe the duties to be performed by the staff maintained under sub-section (1).

Administrative Officer.

21. (1) For every school board there shall be an Administrative Officer. He shall be the chief executive officer of the board; his powers and duties shall be as prescribed.

(2) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. He shall draw his pay and allowances from the provincial revenues.

Delegation of power to appoint Administrative Officer to certain authorized municipalities.

22. (1) Notwithstanding the provisions of section 21, the Provincial Government may by notification in the *Official Gazette* delegate the power to appoint an Administrative Officer to an authorized municipality which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 for three financial years immediately preceding the date of the notification. The Administrative Officer so appointed shall be the servant of the authorized municipality and shall draw his pay, allowances, provident fund, gratuity and pension from its primary education fund.

Bom. XVIII of 1925.

(2) The appointment of such Administrative Officer shall be made after inviting and considering the suggestions, if any, of the municipal school board and with the approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removed from his office, reduced or suspended except by a resolution passed by at least two-thirds of the whole number of councillors of the authorized municipality.

(3) The qualifications, pay, allowances and terms of employment of such Administrative Officer shall be in accordance with the regulations framed by the authorized municipality with the sanction of the Provincial Government.

Staff selection committee.

23. (*1*) There shall be a staff selection committee for every district school board or authorized municipality.

(*2*) The staff selection committee shall consist of the Educational Inspector of the division or any other officer designated by the Director, the chairman of the school board and the Administrative Officer.

(*3*) The Administrative Officer shall act as secretary of the staff selection committee.

(4) The Committee shall select candidates for appointments as Assistant Administrative Officers, supervisors, Attendance Officers and teachers ; and in the case of district school boards, also members of the other staff excluding inferior servants. The Committee shall also select teachers to be deputed for—training. The selection of candidates and teachers shall be made in accordance with the instructions issued by the Provincial Government.

(*5*) The school board or the authorized municipality or the Administrative Officer, as the case may be, shall make appointments of the candidates so selected in accordance with the directions given by the staff selection committee.

Powers of Administrative Officers over school board staff.

24. (*1*) The Administrative Officer shall have power, subject to such general instructions as may be issued from time to time by the Director, to promote, transfer and take all disciplinary action (including removal or dismissal) against the staff maintained under section 20.

(*2*) Any person aggrieved by an order of dismissal, removal, reduction or any other order involving disciplinary action made under sub-section (*1*), may submit an appeal to a tribunal consisting of the chairman of the school board and the Educational Inspector of the division. The tribunal shall follow the prescribed procedure for the disposal of its business. In the event of a difference of opinion between the members of the tribunal the appeal shall be referred to the Director whose decision shall be final :

Provided that a primary school teacher who is a guaranteed teacher on the date of the coming into force of this Act, may make a further appeal to the Provincial Government against any order of removal or dismissal.

Explanation.—A guaranteed teacher means a primary school teacher who was holding a permanent appointment as such teacher on 30th June 1923.

(*3*) An appeal under sub-section (*2*) shall be made within 30 days from the date of the order appealed against.

CHAPTER VI.

Preparation and Enforcement of the Schemes of Compulsion.

Preparation of scheme.

25. It shall be the duty of the Administrative Officer of a district school board to prepare in accordance with the directions received from the Director in this behalf a scheme to provide compulsory primary education in such area and for children of such ages and up to such standard and within such period as the Director may specify. The Administrative Officer shall obtain the comments and suggestions of the district school board upon the scheme so prepared by him and shall submit it together with such comments and suggestions, if any, to the Director who shall forward it to the Provincial Government with his remarks.

Preparation of scheme by authorized municipality.

26. (*1*) An authorized municipality may by a resolution declare its intention to provide compulsory primary education in the whole or any part of its area in the case of children of such ages and up to such standard as the municipality may decide and shall submit its proposals to the Provincial Government through the Director in the form of a scheme.

(*2*) An authorized municipality, if called upon by the Provincial Government so to do, shall within a time to be specified by the Provincial Government submit to the Director a scheme to provide compulsory primary education in such area and in the case of children of such ages and up to such standard and within such period as the Provincial Government may specify.

Particulars to be contained in scheme.

27. The scheme submitted under the two preceding sections shall be in the form prescribed and shall contain the following particulars :—

(*a*) area of compulsion ;

(*b*) the census of children of the ages to which the scheme shall apply classified by languages spoken by the children ;

(*c*) a list of existing approved schools and the schools proposed to be opened, classified by languages in which instruction is given or is proposed to be given ;

(*d*) a schedule of existing and proposed staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, teachers and inferior servants ;

(*e*) the recurring and non-recurring cost of the scheme and in the case of a scheme submitted by an authorized municipality the resolution of the municipality agreeing

to bear its share of the additional recurring and non-recurring cost;

(*f*) if there is a non-authorized municipality within the area of compulsion, the amount of annual contribution, which the municipality according to the orders issued by the Provincial Government under sub-section (*2*) of section 41 shall make.

Sanction of Provincial Government to scheme.

28. (*1*) The Provincial Government may after such inquiry as may be necessary sanction with or without modifications the scheme submitted under section 25 or 26. The scheme so sanctioned shall come into effect from such date as may be notified by the Provincial Government in the *Official Gazette*.

(*2*) Every scheme of compulsion sanctioned under the Bombay Primary Education Act, 1923, and which is in force immediately before the coming into force of this Act shall be deemed to be a scheme sanctioned under this Act. Bom. IV of 1923.

Modification, etc., of sanctioned schemes.

29. A sanctioned scheme may with the sanction of the Provincial Government be withdrawn or from time to time modified by an authorized municipality, or may by an order published with the reasons for making it in the *Official Gazette* be modified, cancelled or temporarily suspended by the Provincial Government.

Power to exempt children of particular classes.

30. The Provincial Government may by notification in the *Official Gazette* exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.

No fees to be charged in area of compulsion.

31. When a scheme has been sanctioned, no fee shall be charged within the area of compulsion in any school maintained by the district school board or the authorized municipality, as the case may be, in respect of any child for the standards included in the scheme.

Duty of parent to cause children to attend school.

32. In every area of compulsion, the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Meaning of reasonable excuse.

33. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases:—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(*b*) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient or has received from the school board a certificate of having already completed his primary education upto the standard included in the scheme;

925

(*c*) where there is no approved school within the distance fixed by the school board under section 13 or 18, as the case may be;

(*d*) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under section 13 or 18, as the case may be, until such time as the parent is notified by the Administrative Officer that the child can be admitted;

(*e*) where there is no approved school in the locality in which instruction is given in the language spoken by the child;

(*f*) where there is no approved school in the locality to which the parent can send the child without exposing him to religious instruction to which the parent objects.

Issue of attendance order.

34. (*1*) Where the school board is satisfied that the parent of any child who is bound under the provisions of section 32 to cause such child to attend an approved school, has failed to do so, the school board after giving the parent an opportunity of being heard and after such inquiry as it considers necessary may make an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order.

(*2*) This power may be delegated by the school board to any of its members or to the Administrative Officer or other officer of the school board.

(*3*) Any parent aggrieved by an order made under sub-section (*1*) may, within thirty days from the date of such order, appeal to the Educational Inspector of the division who may confirm or rescind the order as he deems fit.

Penalty for failure to cause child to attend approved school.

35. (*1*) Any parent against whom an order with reference to a child has been made under sub-section (*1*) of section 34 and who fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order shall, unless such order is rescinded in an appeal made under sub-section (*3*) of the said section 34,—

(*i*) if he resides in a town or village where there is a magistrate, on conviction by such Magistrate; or

(*ii*) if he resides in a village having a panchayat, on conviction by a village bench; or

(*iii*) if he resides elsewhere, on conviction by a person empowered in this behalf by the District Magistrate,

be liable to a fine not exceeding two rupees and if such failure continues after such conviction, he shall also on conviction by such Magistrate, village bench, or person be liable to a fine of eight annas for every day that the failure continues or is repeated.

(2) No magistrate, village bench or person shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf.

Penalty for employing child to whom scheme applies.

36. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 32 apply, so as to interfere with the education or instruction of such child shall, on conviction, be liable to a fine not exceeding twenty-five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Administrative Officer or any other officer authorized by him in this behalf, and before making any complaint under this section against any person the Administrative Officer or such officer shall unless such person has been previously convicted under sub-section (1) cause a warning to be given to such person.

Administrative Officer to be public servant.

37. For the purposes of sections 35 and 36 the Administrative Officer shall be deemed to be a public servant within the meaning of proviso (*aa*) to section 200 of the Code of Criminal Procedure, 1898. V of 1898

CHAPTER VII.

Approved Schools.

Subjects, curricula, etc. of approved schools.

38. The subjects, curricula, books and standards of teaching of approved schools shall be such as may from time to time be specified by the Provincial Government.

Recognition of and grants to approved schools under private management.

39. (1) Every primary school, other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality, which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

(2) Such recognition shall be given by the school board or by the Provincial Government or by an officer authorized by it in this behalf; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

Inspection of approved schools: returns.

40. (1) Every approved school shall be open during school hours to inspection by the inspecting officers of the Provincial Government for the purpose, in particular, of ascertaining—

(*a*) whether instruction is given in accordance with the provisions of section 38;

(*b*) whether the provisions of this Act for the compulsory attendance of children are being carried out;

(*c*) whether the health of the school children is satisfactory;

(*d*) whether the instruction given is not of a pernicious nature;

(*e*) whether the registers and records are being maintained as required by the Director.

(2) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (1) of section 48 and to any officer specially deputed under this sub-section by the Director in the discharge of their duties.

CHAPTER VIII.

Financial relations between the Provincial Government and Local Bodies.

Payment to be made by district local board and non-authorized municipality.

41. (1) Every district local board shall pay over annually to the district school board for the purposes of primary education such portion of its income from its revenue described in clauses (*b*) and (*c*) of section 75 of the Bombay Local Boards Act, 1923, as the Provincial Government may from time to time fix in this behalf.

Bom. VI of 1923.

(2) Every non-authorized municipality shall pay over annually to the district school board or the authorized municipality, as the case may be, for the purposes of primary education such proportion of the rateable value of properties in the area of the municipality as may from time to time be fixed in this behalf by the Provincial Government and the income accruing from any funds (including trust funds) held, and all moneys received by it for the said purposes.

Contribution by Provincial Government.

42. (1) If a scheme submitted by an authorized municipality is sanctioned under section 28, the Provincial Government shall bear half of the additional recurring and non-recurring annual cost of the scheme so sanctioned; but the liability of the Provincial Government shall not exceed half of the said cost, as it was estimated by the authorized municipality.

(2) Nothing in this section shall affect the claim of any authorized municipality to any annual grant which at the time this Act comes into force is being paid to it as a local authority under the Bombay Primary Education Act, 1923, by the Provincial Government for the purposes of primary education:

Bom. IV of 1923.

Provided that, if the Provincial Government considers that the primary education fund of any authorized municipality has been or is about to be misused or misapplied, it may call upon such authorized municipality for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such authorized municipality as it may deem proper.

(3) The Provincial Government shall pay to a district school board a grant equivalent to the amount by which expenditure in accordance with the budget sanctioned under the next following section exceeds the receipts referred to in clauses (*b*) to (*d*) and (*g*) of sub-section (2) of section 44.

District school board budget.

43. The budget of the district school board shall in the prescribed manner be framed and submitted to the Provincial Government and the Provincial Government may sanction it with such modifications as it may deem fit to make therein.

Primary education fund.

44. (*1*) A fund called the primary education fund shall be maintained by every district school board and by every authorized municipality.

(*2*) The following shall form part of, or be paid into, the primary education fund :—

(*a*) the balance of the primary education fund maintained under section 8A of the Bombay Primary Education Act, 1923 ; Bom. IV of 1923.

(*b*) the contributions payable by non-authorized municipalities under sub-section (*2*) of section 41 ;

(*c*) fees and fines received in respect of primary schools maintained by the school board or the authorized municipality, as the case may be ;

(*d*) in the case of a district school board, such portion of the income of the district local board as the Provincial Government may fix under sub-section (*1*) of section 41 ;

(*e*) in the case of an authorized municipality, the grant paid or payable by the authorized municipality on account of primary education ;

(*f*) the grant paid or payable by the Provincial Government on account of primary education ;

(*g*) such other sums as may from time to time be received on account of primary education.

Explanation.—For the purposes of clause (*e*) the grant payable by an authorized municipality shall be the amount of expenditure on account of primary education in any year less the grant paid by the Provincial Government in that year, and fees and sums of money from other sources of income belonging to the fund.

Application of primary education fund.

45. (*1*) The primary education fund shall stand in the name of the school board and shall, subject to the provisions of this Act be applied for the purposes specified therein and for such other purposes as may be prescribed.

(*2*) The fund shall be maintained, administered and used in the manner prescribed.

Deposit of primary education fund.

46. (*1*) The primary education fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to have been registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the Provincial Government. Bom. VII of 1925.

(*2*) It shall be lawful for the school board to invest such portion of the primary education fund as is not likely to be immediately required in post office cash certificates or in securities of the Central Government or any Provincial Government.

(3) Every investment in Government securities shall be made through the Reserve Bank of India or any other bank approved by the Provincial Government in this behalf.

Payment of travelling allowances to chairman, vice-chairman and members of school board.

47. The chairman, vice-chairman and members of the school board may be paid allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such rates and subject to such conditions as may be prescribed.

CHAPTER IX.

Control.

Inspecting staff.

48. (1) The Provincial Government may appoint such officers (including inspecting officers) as it may deem necessary for the purposes of superintendence and inspection and generally for the purposes of giving effect to the provisions of this Act.

(2) The officers appointed under sub-section (1) shall be the servants of the Provincial Government, and their powers and duties shall be such as may be prescribed.

Inspecting officers to be present at school board meetings.

49. (1) An inspecting officer nominated by the Director in this behalf shall have the right of being present at any meeting of the school board, and with the consent of the chairman, of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution, at such meeting.

Powers of supervision.

(2) The Director or Educational Inspector or any officer authorized by a general or special order of the Provincial Government may—

(*a*) (*i*) enter on and inspect any immovable property occupied for any purpose connected with primary education by a school board or authorized municipality or any educational institution under its control or management; or

(*ii*) cause such property or institution to be entered upon and inspected by any other person authorized by him in this behalf;

(*b*) call for any extract from the proceedings of any authorized municipality or school board, or of any committee appointed by any of them relating to any matter connected with primary education; or

(*c*) call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of an authorized municipality or school board.

Power to call for return or require explanation etc.

50. The Director may—

(*a*) call for from any authorized municipality or school board or Administrative Officer any return, statement, account or report relating to any matter connected with primary education,

(*b*) call upon an authorized municipality or school board to take into consideration any objection which appears to him to exist to the doing of anything connected with primary education which is about to be done by such municipality or board or any information furnished by him which appears to him to necessitate the doing of a certain thing by such municipality or board and to make a written reply to him within a reasonable time, stating in case of disagreement with the Director its reasons for not desisting from doing or for not doing such a thing.

Power of suspending execution of orders, etc. of school board.

51. (*1*) If, in the opinion of the Director, the execution of any order or resolution of a school board or the doing of anything which is about to be done or is being done by or on behalf of the board is in excess of the powers conferred by, or contrary to, this Act or the rules or regulations made thereunder, or is otherwise unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(*2*) When the Director makes an order under sub section (*1*), he shall forthwith forward to the board affected by it a copy of such order with a statement of the reasons for making it.

(*3*) The Director shall forthwith submit to the Provincial Government a report of every case occurring under this section and the Provincial Government may annul, confirm, revise or modify any order made therein and make in respect thereof any other order :

Provided that no order of the Director passed under this section shall be confirmed, revised or modified by the Provincial Government without giving the board reasonable opportunity of showing cause against the said order.

Default by authorized municipality.

52. (*1*) If any authorized municipality when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory primary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Provincial Government may after due inquiry appoint a person to prepare the scheme or bring it into operation or to continue to keep it in operation, as the case may be, and the expense thereof shall be paid by the authorized municipality to the Provincial Government.

(*2*) If the expense is not so paid the Provincial Government may make an order directing any person who has for th

time being custody of any moneys on behalf of the authorized municipality either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Power of Provincial Government to provide for performance of duties on default by school board.

53. (*1*) When the Provincial Government is informed that a school board has made a default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if it is satisfied after such inquiry as it may think fit, that the school board has been guilty of such default, by an order in writing direct the school board to perform the duty within a period fixed for the performance of that duty:

Provided that no such order shall be made unless the school board has been given an opportunity to show cause why such order should not be made.

(*2*) If such a duty is not performed within the period so fixed, the Provincial Government may appoint some person to perform it and may direct that the expenses of performing it with a reasonable remuneration to the person appointed to perform it shall be paid within such time as it may fix to such person by the school board or as the Provincial Government may direct.

(*3*) If the expenses and remuneration are not paid, the Provincial Government may make an order directing the officer in charge of the treasury or bank or society in which the primary education fund is kept or the whole or portion thereof is deposited or lent at interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the school board in such treasury or bank or society or as may from time to time be received from or on behalf of the school board by way of deposit by such treasury or bank or society; and such officer or bank or society shall be bound to obey such order. Every payment made in pursuance to such order shall be a sufficient discharge to such officer, bank or society from all liabilities to the school board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the school board in such treasury, bank or society.

Directions by Provincial Government.

54. Notwithstanding anything contained in this Act, the Provincial Government shall have power to give to a district school board all such directions as it may consider necessary in regard to any matter connected with primary education and the district school board shall comply with such directions.

Enquiry into affairs of school board.

55. (*1*) The Provincial Government may, from time to time, cause enquiry to be made by any of its officers in regard to any authorized municipality or school board on matters connected with primary education concerning them or any matters with respect to which the sanction, approval, consent

or order of the Provincial Government is required by or under this Act.

(2) The officer holding such enquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry. V of 1908.

(3) The Provincial Government may make orders as to the costs of any enquiries made under sub-section (1) and as to the party by whom and the funds out of which they shall be paid, and such order may, on the application of the Provincial Government or of any person named therein be executed as if it were a decree of a civil court.

Dissolution or supersession of school board in certain circumstances.

56. (1) If in the opinion of the Provincial Government a school board is not competent to perform or is not properly performing the duties imposed on it by or under this Act or the rules or regulations made thereunder or exceeds or abuses its powers, or is acting or has acted contrary to the provisions of this Act or the rules or regulations made thereunder, it may, by an order published in the *Official Gazette* with the reasons for making it either—

(*a*) dissolve the Board, or

(*b*) supersede it for a period to be specified in the order.

(2) When the school board is dissolved or superseded, the following consequences shall ensue :—

(*a*) all members of the board shall in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, be deemed to have vacated their offices as such members ;

(*b*) all powers and duties of the board shall, during the period of dissolution or supersession, be exercised and performed by such person or persons as the Provincial Government may from time to time appoint in this behalf ;

(*c*) the person or persons appointed under clause (*b*) may delegate their powers and duties to any individual or committee or sub-committee.

(3) On the issue of an order of dissolution under sub-section (1) election of members shall be held under the provisions of this Act or of the rules made thereunder on or before the date to be specified by the Provincial Government and the board shall be re-established by the election, appointment or nomination of members under the aforesaid provisions on such date as may be specified by the Provincial Government.

(4) If, after enquiry made, the Provincial Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may

933

be fixed by the Provincial Government for the re-establishment of the board.

(5) After the board is superseded it shall be re-established by election, appointment or nomination of members under the provisions of this Act or the rules made thereunder applicable thereto—

(a) if no direction has been made under sub-section (4), on the expiration of the period specified in the order of supersession under clause (b) of sub-section (1), and

(b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the school board.

Dissolution of district school board and its re-constitution on alteration of limits of district.

57. (1) When during the term of office of the members of a district school board the limits of the district are on account of the formation of a new district under the Bombay Land Revenue Code, 1879, or for any other reason altered, the Provincial Government may, by order published in the *Official Gazette*, dissolve such board from a date specified in the order and direct a district school board—

Bom. V of 1879.

(i) to be reconstituted for the district of which the district school board has been dissolved, or

(ii) to be established for a new district which has been constituted.

The members of the district school board which has been dissolved shall vacate their offices from the date specified in the order.

(2) The district school board re-constituted or established under the provisions of sub-section (1) shall consist of such number of members elected, appointed or nominated in such manner as the Provincial Government may by order in writing direct. The chairman and vice-chairman of the district school board so reconstituted or established shall be elected in the manner provided in this Act and the rules made thereunder.

(3) The members of a district school board reconstituted or established under the provisions of sub-section (2) shall hold office for such period, not exceeding one year as the Provincial Government shall by order specify.

(4) On the expiry of the period of office of the members of a district school board under the provisions of sub-section (3), the district school board shall be constituted in the manner provided in section 4.

CHAPTER X.

Provincial Board of Primary Education.

Constitution of Provincial Board of Primary Education.

58. (1) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, of whom not more than three shall be Government officers, shall be appointed by the Provincial Government.

(2) The members of the said board shall hold office for a period of three years :

Provided that the term of office of the out-going members shall be deemed to extend to and to expire with the date on which their successors are elected or appointed, as the case may be.

(3) Any member of the said board may resign his seat at any time by giving notice thereof in writing to the president; and such member shall be deemed to have vacated his seat as soon as the president has received his resignation.

(4) Any member of the said board who absents himself from three consecutive meetings of the board without its previous permission shall cease to be a member of the board.

(5) The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of the said board remove any member of the said board if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no such member shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

(6) The elected members of the said board shall be persons having any of the following qualifications :—

(a) a graduate of seven years' standing of any recognised University ;

(b a professor who has served as such for a period of five years in a college affiliated to a statutory University in the Province of Bombay ;

(c) a headmaster who has served as such for ten years in an approved school or high school recognised by the Department of Education of the Provincial Government.

(7) The said board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the board. Of the members appointed by the Provincial Government, one member selected by the Provincial Government and belonging to the Department of Education shall act as Secretary to the board.

(8) Casual vacancies during the term of the said board shall be filled for the remaining period by election or appointment as the case may be.

735

59. The powers and duties of the said board shall be as follows, namely :— Powers and duties of Provincial Board.

(*a*) to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province ;

(*b*) to advise the Provincial Government generally on all matters connected with primary education ;

(*c*) to exercise such other powers and to perform such other duties as may be prescribed.

CHAPTER XI.

Miscellaneous.

60. The Provincial Government may delegate any of its powers or duties under this Act to any officer or authority subordinate to it. Delegation of its powers by Provincial Government.

61. (*1*) Subject to the provisions of this Act and the rules made thereunder, an authorized municipality may delegate any of its powers, duties and functions under this Act to the municipal school board ; Delegation by authorized municipalities and school boards of their powers, duties and functions.

(*2*) (*a*) a school board may from time to time constitute committees and discontinue or alter the constitution of such committees ;

(*b*) the school board may delegate any of its powers, duties and functions to any such committee or to any member or Administrative Officer or stipendiary or any other officer of the board ; and such committee, member or officer shall conform to any instructions that may from time to time be given by the board ;

(*3*) the authorized municipality or the school board may at any time withdraw any of the powers, duties and functions so delegated.

62. (*1*) No suit, prosecution or other legal proceeding shall be commenced against any school board or authorized municipality or a servant thereof or any person acting under the orders of the said board or municipality for anything done, or purporting to have been done in pursuance of this Act, which entitles or requires a school board, authorized municipality, member, officer, servant as such or other person so acting to exercise any powers or perform duties without giving to such school board, authorized municipality, member, officer, servant or person one month's previous notice in writing of the intended action and of the cause thereof, or after six months from the date of the act complained of. Limitation of suits.

(*2*) In the case of any such suit for damages if tender of sufficient amends shall have been made before the action

was brought, the plaintiff shall not recover more than the amount as tendered, and shall pay all costs incurred by the defendant after such tender.

Power to make rules.

63. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters :—

(*a*) the manner of election of the chairman, vice-chairman and the members of a school board ;

(*b*) the duties and functions of the chairman and the vice-chairman ;

(*c*) procedure for the conduct of school board's business ;

(*d*) procedure for sanctioning tenders ;

(*e*) the constitution and functions of village school committees ;

(*f*) provident funds, gratuities and pensions for the staff maintained by the district school board and for the primary school teachers maintained by an authorized municipality ;

(*g*) provision for the welfare of the children attending primary schools including provision for the care of their health and for their physical and moral training ;

(*h*) pre-vocational courses as a part of upper primary courses ;

(*i*) regulation of the delegation of powers, duties and functions under this Act ; and

(*j*) matters to be prescribed under this Act.

(*3*) Rules made under sub-sections (*1*) and (*2*) shall be made after previous publication.

Repeal and transitory provision relating to school boards.

64. The Bombay Primary Education Act, 1923, is hereby repealed : Bom. IV of 1923.

Provided that until a new school board is constituted under section 4, any existing school board under the Bombay Primary Education Act, 1923, shall exercise all the powers and perform all the duties and functions and shall be subject to all the rights and liabilities as if it is constituted under this Act. Bom. IV of 1923.

Act to prevail over provisions of certain other Acts.

65. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the provisions relating to primary education in the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925. Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLVIII OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 29th October 1947.)

(As read for the third time and passed by the Legislative Council on the 4th November 1947.)

A Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

[Mr. B. G. KHER, M.L.A.]

MO-III Bk Hb 265—5

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1:25

L. A. BILL No. XLVIII OF 1947.

(*The Bombay Primary Education Bill, 1947.*)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider L. A. Bill No. XLVIII of 1947 (The Bombay Primary Education Bill, 1947), have the honour to report as follows :—

We have carefully considered the Bill and have made several changes therein. The reasons for the principal changes are given below :—

Clause 4, sub-clause (4).—We have amended this sub-clause so as to provide that persons who have had experience of the system or institutions of primary education could be appointed by Government as members of school boards.

Clause 4, sub-clause (5).—We have split up this sub-clause into (*a*) and (*b*) for the sake of clarity.

Clause 4, sub-clause (7), first proviso.—We do not think it necessary to prescribe a lower standard of qualification except for backward communities. We have accordingly amended the proviso.

**Note.*—The signatures of Mr. R. H. Goodwala, Mr. A. A. Kittur and Mr. A. D. Rankhamle will be notified when received.

MO-I Bk Hb 235—1

Clause 4, sub-clause (10), paragraph (a).—We have deleted the words "instead of being elected" as being unnecessary.

Clause 4, sub-clause (12), paragraph (b).—For the sake of uniformity, we have added the words "to that effect" after the words "in writing" in line 4.

Clause 5, sub-clause (c) (ii).—We have omitted the words "if and so long as such order is in force". We do not think it necessary to make a distinction between a person who has been sentenced and against whom an order under section 118, Criminal Procedure Code, has been passed.

Clause 5, sub-clause (g).—We have substituted the words "an employee" for the words "a manager of", as in our opinion it is sufficient to exclude the employee.

Clause 5, Explanation, clause (e).—We think that a person should be deemed to have incurred disqualification under sub-clause (*f*) of clause 5 if he is professionally engaged on behalf of the school board or the electing local authority as a legal practitioner. We have accordingly deleted clause (*e*) of the Explanation and re-numbered the subsequent clauses.

Clause 10, sub-clause (3).—We have deleted the words "in such manner as to be unable to perform his duties" as mere absence without leave should, in our opinion, be a sufficient ground.

Clause 12, sub-clause (1), proviso.—We have deleted the words "and binding on all parties" as unnecessarily wide.

Clause 12, sub-clause (2).—We have substituted the word "transfer" for the words "hand over".

Clause 13, sub-clause (1).—We have added the words "and the rules made thereunder" after the word "Act" and substituted the words "the district" for the words "its area.".

Clause 13, sub-clause (2) (d).—We think that the Administrative or Assistant Administrative Officers would not by themselves be in a position to supervise the day to day working of the schools and that it is necessary to appoint supervisors for the purpose. We have accordingly provided for supervisors and have also amended the wording of this sub-clause.

Clause 13, sub-clause (2) (g).—We think that the approval for determining the hours of instruction and the number and duration of vacations need be only of the Educational Inspector and not of the Director. We have accordingly amended this sub-clause.

Clause 13, sub-clause (2) (j).—We have added the word "forms" before the word "stationery" and have changed sub-clauses (2) (*m*) and 2 (*n*) into sub-clauses (2) (*n*) and (2) (*m*) respectively.

Clause 13, sub-clause (3).—We think that it should be obligatory on a district school board to make regulations, among other things, for the supply of milk, meals or clothes if provision for such supply is made. We have accordingly amended this sub-clause. For the word "may" we have substituted the word "shall".

Clause 14, sub-clause (1).—We think that before a district school board relinquishes any of its powers and duties, it ought to obtain the consent of the District Local Board concerned. We have accordingly amended this sub-clause.

1.127

Clause 14, sub-clause (2).—For the words "by the Administrative Officer or by any other person or persons appointed by the Provincial Government" we have substituted the words "in the prescribed manner". We have omitted the last sentence in this sub-clause as being redundant.

Clause 15.—We have deleted the words "passed by a two-thirds of the whole number of members of the board" as we think such condition unnecessary for this purpose.

Clause 16, sub-clause (2).—We have added the words "and future" after the word "existing" in order to bring the wording in line with the wording of sub-clause (3) of clause 12. Similar changes have been made wherever necessary.

Clause 17, sub-clause (1) (a).—For the words "under the management of" we have substituted the words "maintained by", and before the words "the authorized municipality" we have inserted the word "by" in order to make the language conform to the definition in clause 2 (2).

Clause 17, sub-clause (3), old paragraph (iii).—The changes made are similar to those made in clause 13, sub-clause (3).

Clause 18, sub-clause (1).—The municipal school boards shall not be responsible for the management and control of approved schools maintained by the Provincial Government. We have amended this sub-clause so as to make this position clear.

Clause 19, sub-clause (2).—We have deleted the words "deemed to be" occurring in line 6.

Clause 19, sub-clause (3).—We have inserted the word "thereafter" after the word "shall" in line 3 and deleted the words "deemed to be" from the fourth line.

Clause 20, sub-clause (2).—We have added the words "provident fund" after the word "allowances".

Clause 20, sub-clause (3).—We have omitted the words "and amounts" as we think that these words may lead to individual cases requiring sanction of Government. We have added the words "and terms of employment" after the word "allowances", as such wording occurs in later provisions.

Clause 22, sub-clause (2).—For the words "after consultation with" we have substituted the words "after inviting and considering the suggestions, if any, of". We have followed the wording of section 27 (2) of the Primary Education Act, 1923.

Clause 23, sub-clause (3).—We do not think that there should be a President for the Staff Selection Committee. We have accordingly amended this sub-clause.

Clause 23, sub-clause (4).—We think that the Staff Selection Committee should also have the power of selecting teachers to be deputed for training. We have accordingly redrafted this sub-clause.

Clause 24, sub-clauses (2) and (3).—We think that all appeals from orders of dismissal, removal, reduction, or any other order involving disciplinary action should lie to the tribunal. We have accordingly amended this sub-clause and deleted sub-clause (3).

Clause 25.—For the words "for such children of either sex or of both sexes" we have substituted the words "for children of such ages", as it is intended to apply compulsion to children of both sexes. Corresponding changes have been made in clause 26, and also where necessary.

Clause 27, sub-clause (b).—We think that the scheme of compulsory education should contain the census of children classified by languages spoken by the children and not by communities and regional languages. We have accordingly amended this sub-clause.

Clause 27, sub-clause (c).—We also think that the list of existing approved schools and the schools proposed to be opened, to be given in the scheme of compulsory education, should be classified by languages in which instruction is given or is proposed to be given. We have accordingly amended this sub-clause.

Clause 27, sub-clause (e).—In view of the amendment made in sub-clause (*c*) of this clause, we do not think it necessary to have this sub-clause. We have, therefore, deleted it and re-numbered the subsequent sub-clauses.

Clause 33, sub-clause (e).—In view of the amendment made in clause 27 (*b*), we have substituted the words "in the language spoken by the child" for the words "in the regional language of the child".

Clause 35, sub-clause (1) (iii).—We do not think that a revenue or police patel should by virtue of his office be given power to convict. We have accordingly omitted the reference to revenue or police patel from this sub-clause and from sub-clause (2).

Clause 39, sub-clause (1).—We do not consider the phraseology "private management" as very happy. We have accordingly substituted the words "other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality" for the words "under private management" so as to bring the wording of this sub-clause in line with the wording in clause 2 (2), clause 13 (1) and clause 17 (1) (*a*).

Clause 3[illegible], *sub-clause (2).*—As it is proposed that the power of the Provincial Government to grant recognition to primary schools should be delegated to other officers of Government where necessary, the sub-clause requires amendment. We have accordingly added the words "or by an officer authorized in this behalf by it" after the words "Provincial Government".

Clause 42, sub-clause (3).—We have substituted the word "equivalent" for the word "equal".

Clause 44, sub-clause (2).—We have added a new sub-clause (*e*) as under :—

"(*e*) in the case of an authorized municipality, the grant paid or payable by the authorized municipality on account of primary education".

We have also added an Explanation to this new sub-clause to provide for payment of grants by authorized municipalities on the lines of the Explanation to section 8A of the Primary Education Act, 1923.

Clause 48, sub-clause (1).—We have substituted the word "superintendence" for the word "supervision" and the words "giving effect to the provisions of this Act" for the words "securing the effective execution of this Act".

Clause 51, sub-clause (3).—We think that it should be made clear that the Provincial Government must have the power to reverse an order made by the Director. We have accordingly amended this sub-clause by adding the word "annual" between the words "may" and "confirm".

Clause 56, sub-clause (2) (a).—For the word "vacate" we have substituted the words "to be deemed to have vacated"

Clause 56, sub-clause (2) (*b*).—For the words "by such persons" we have substituted the words "by such person or persons".

Clause 56, sub-clause (2) (*c*).—For the words "the persons" we have substituted the words "the person or persons".

Clause 58, sub-clause (6) (*c*) *and sub-clause* (7).—For the words "Educational Department" we have substituted the words "Department of Education".

Clause 61, sub-clause (1).—We have added the words "subject to the provisions of this Act and the rules made thereunder" at the beginning of this sub-clause.

Clause 63, sub-clause (2).—We think that the rules to be made by Government under this clause should provide for the duties and functions of the Chairman and the vice-Chairman and the constitution of village school committees. We have accordingly suitably amended this sub-clause.

(Signed) B. G. KHER.
(,,) D. N. DESAI.
(,,) INDUMATI CHIMANLAL.
(,,) K. F. PATIL.
(,,) A. A. KHAN.
(,,) S. R. RANE.
(,,) BABUBHAI J. PATEL.
(,,) B. P. GAIKWAD.
(,,) TARABAI MODAK.
(,,) R. S. HUKERIKAR.
(,,) MAGANLAL R. PATEL.
(,,) P. P. GOKHALE.

MO-1 Dk Hb 235—2

(131)

Note.— Deletions made by the Select Committee are shown in square brackets and additions are shown in italics.

L. A. BILL No. XLVIII OF 1947.

A Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

(As amended by the Select Committee.)

WHEREAS it is the duty of Government to secure the development and expansion of primary education; and whereas it is the declared policy of Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion; and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title and extent.

1. (*1*) This Act may be called the Bombay Primary Education Act, 1947.

(*2*) It extends to the whole of the Province of Bombay except the City of Bombay.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*1*) "Administrative Officer" means an officer appointed under section 21 or 22;

(*2*) "Approved school" means a primary school maintained by the Provincial Government or by a school board or by an authorized municipality or which is for the time being recognised as such by a school board or by the Provincial Government or by an officer authorized by it in this behalf;

(*3*) " Area of compulsion " means the area in which primary education up to any standard is compulsory;

(*4*) " Area of an authorized municipality " means the area comprised within the limits of such municipality and shall include the area of a non-authorized municipality approved schools in which vest in or are controlled by the authorized municipality;

(*5*) " To attend an approved school " means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required under the regulations framed by the school board;

(*6*) " Authorized Municipality " means a municipality which is authorized by the Provincial Government under sub-section (*1*) of section 16 to control all approved schools within its area;

(*7*) " Child " means a boy or girl whose age is not less than six and not more than fourteen years at the beginning of the school year.

Explanation.—For the purposes of this definition, " school year " shall mean the year beginning with such date as the school board may, with the sanction of the Director, fix;

(*8*) " Director " means the Director of Public Instruction for the Province of Bombay;

(*9*) " District " in clause (*h*) of section 5, in section 6, sub-section (*3*) of section 10, and section 19 means the district as formed under the Bombay Land Revenue Code, 1879, and elsewhere the area comprised in a district so formed excluding the areas of authorized municipalities and cantonments; Bom. V of 1879.

(*10*) " District School Board " means a school board constituted for a district under section 8;

(*11*) " Municipal School Board " means a school board constituted for the area of an authorized municipality under section 8;

(*12*) " Non-authorized Municipality " means a municipality other than an authorized municipality;

(*13*) " Parent " includes a guardian or any person who has the custody of a child;

(*14*) " Prescribed " means prescribed by rules made under this Act;

(*15*) " Primary Education " means education in such subjects and up to such standards as may be determined by the Provincial Government from time to time;

1133

(*16*) " Primary Education Fund " means the fund maintained under section 44;

(*17*) " Primary School " means a school or a part of a school in which primary education up to any standard is imparted;

(*18*) " Provincial Board of Primary Education " means the board constituted under section 58;

(*19*) " School Board " means a district school board or a municipal school board, as the case may be.

CHAPTER II.

Constitution of District and Municipal School Boards.

3. (*1*) For each district there shall be a district school board. School boards.

(*2*) For each area of an authorized municipality there shall be a municipal school board.

4. (*1*) Each school board shall consist of members not less than twelve and not more than sixteen in number. Constitution of school boards.

(*2*) Of these members not less than two and not more than three in number shall be appointed by the Provincial Government.

(*3*) The number of members under sub-sections (*1*) and (*2*) shall be determined by the Provincial Government from time to time.

(*4*) Of the members appointed by the Provincial Government under sub-section (*2*) one shall be an officer of the Provincial Government; and the remaining shall be persons (*i*) who shall have passed the matriculation examination or shall possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf or (*ii*) *who have had experience of the system or institutions of primary education.*

(*5*) (*a*) The members other than those appointed by the Provincial Government shall be elected by the district local board [of] *or* the authorized municipality, as the case may be:

Provided that where approved schools within the area of any non-authorized municipalities are controlled by the district school board or the authorized municipality, not more than two of such members as may be determined by the Provincial Government from time to time shall be elected in the manner prescribed by the said non-authorized municipalities, on the district school board or municipal school board, as the case may be.

(*b*) Members elected under this sub-section shall not necessarily be members of the electing local authority.

(*6*) Of the members elected by the district local board or by the authorized municipality—

(*a*) one at least shall be a woman; and

(*b*) such number not exceeding three as may be prescribed shall [belong to] *be from amongst the* minorities and backward communities.

(*7*) Members elected under sub-section (*5*) shall have passed the primary school certificate examination or shall possess such other equivalent or higher educational qualification as may be prescribed:

Provided that [women or persons belonging to minorities or] *persons from amongst the* backward communities shall be eligible for being elected as members if they shall have passed at least the primary fourth standard examination:

Provided further that out of the seats of the members to be elected by the district local board or the authorized municipality not less than three shall be reserved in the prescribed manner for persons who have passed the matriculation or second year training certificate examination.

Explanation.—For the purposes of sub-sections (*6*) and (*7*) "minorities" and "backward communities" shall mean such classes and communities as may be prescribed.

(*8*) If the Provincial Government is satisfied that any election (including a bye-election) cannot for any reason be held at all or cannot be completed within such period as the Provincial Government considers reasonable or has not resulted in the return of the required number of qualified persons willing to take office, the Provincial Government shall nominate from amongst persons who would have been qualified to be elected the required number of persons as members of the school board and the persons so nominated shall be deemed to have been duly elected under sub-section (*5*).

(*9*) Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the electing district local board or authorized municipality:

Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the district local board or authorized municipality, as the case may be, is dissolved or superseded.

(*10*) (*a*) If the term of office of the members of a school board expires during the supersession of the electing district local board or authorized municipality, a new school board

1135

shall be constituted as provided in sub-sections (*1*) to (*7*) until the district local board or authorized municipality as the case may be is re-established, provided that the members of such school board shall [instead of being elected,] be nominated by the Provincial Government.

(*b*) The term of office of the members of the school board so nominated shall be for such period not exceeding three years as the Provincial Government may determine:

Provided that if during such period the district local board or authorized municipality, as the case may be, is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is constituted.

(*11*) Notwithstanding the expiry of the term of the members of any school board under sub-section (*9*) or (*10*), they shall continue in office until the members of a new school board are elected, appointed or nominated, as the case may be.

(*12*) (*a*) Any member of a school board other than the chairman or vice-chairman may resign his office by giving notice in writing to that effect to the chairman and such resignation shall take effect from the date of its receipt by the chairman.

(*b*) The vice-chairman may resign his office as vice-chairman or member by giving notice in writing to that effect to the chairman. The chairman may resign his office as chairman or member by giving notice in writing *to that effect* to the president of the district local board or of the authorized municipality, as the case may be. Such resignations shall take effect from the date of their acceptance by the chairman or the president.

(*13*) Casual vacancies including that of a chairman or vice-chairman during the term of a school board shall be filled for the remaining period by election, appointment or nomination, as the case may be.

Disqualifications of members.

5. No person shall be elected, appointed or nominated a member of a school board who—

(*a*) is less than 25 years of age, or

(*b*) is a judge of a civil court or a magistrate, or

(*c*) (*i*) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of the said Code, such order not having subsequently been reversed or quashed [if and so long as such order is in force], or

V of 1898

(*iii*) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(*d*) is a stipendiary officer or an employee of any school board, or district local board or municipality, or

(*e*) who has been adjudged an insolvent and has not obtained his discharge, or

(*f*) has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of, or in any contract entered into on behalf of the school board or the electing local authority, or

(*g*) is [a manager of,] *an employee* or a teacher in any approved school, or

(*h*) has resided within the district for a period of less than six months preceding the date fixed for recording of votes for elections to the school board, or

(*i*) has been adjudged by a competent court to be of unsound mind.

Explanation.—A person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*a*) having any share or interest in any lease, sale or purchase of any immovable property or in an agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(*b*) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which may contract with or be employed by or on behalf of the school board or the electing local authority, or

Bom. VII of 1925.

(*c*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the electing local authority may be inserted, or

(*d*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the electing local authority, or

[(*e*) being professionally engaged on behalf of the school board or the electing local authority as a legal practitioner, or]

[(*f*)] (*e*) having a share or interest in the occasional sale to the school board or electing local authority of any article in which he regularly trades, or in the purchase from the school board or the electing local authority of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

[(*g*)] (*f*) having a share or interest in the occasional letting out on hire to the school board or the electing local authority or in the hiring from the school board or the electing local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

[(*h*)] (*g*) being a police patel who is an *ex-officio* keeper of village cattle pounds under the control of the electing local authority.

Determination of validity of elections; enquiry by Judge; procedure.

6. (*1*) If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election, such person may, at any time within fifteen days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(*2*) An enquiry shall thereupon be held by a Judge not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken for holding a fresh election.

(*3*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of members is in question shall as far as possible be heard by the same Judge, and

(*b*) in which the validity of the election of the same member is in question shall be heard together.

(*4*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not allow (*a*) any application to be compromised or withdrawn, or (*b*) any pleadings in the proceedings to be altered or amended, unless he is satisfied that such application, alteration or amendment is *bona fide* and not collusive. V 1908.

(*5*) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (*6*), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(*6*) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person; or

(*b*) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote;

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit"

(*i*) does not include a promise to vote for or against any particular measure which may come before a school board for consideration, but

1139

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(*7*) If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.

(*8*) If the Judge sets aside an election under clause (*a*) of sub-section (*5*) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of sub-section (*6*) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive:

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made:

Provided further that such person may by an order of the Provincial Government in that behalf be at any time relieved from such disqualification.

Disqualification after becoming member.

7. (*1*) If any member of a school board, during the term for which he has been elected, appointed or nominated—

(*a*) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(*b*) becomes subject to any of the disqualifications mentioned in section 6,

he shall be disabled from continuing to be a member of such board and his seat shall be deemed to be vacant:

Provided that he shall not be deemed to have incurred any disqualification under clause (*f*) of section 5 by reason of his having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(*2*) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

M5-1 Bk Hb 235—4

Disabilities on account of interest in subject-matter.

8. A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he has directly or indirectly by himself or his partner, any share or interest such as is described in clause (*f*) of section 5 or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

Removal of members of school board for misconduct.

9. [(*1*)] The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of—

(*i*) a school board, *or*

(*ii*) the district local board or the authorized municipality which elected the member,

remove any member elected, appointed or nominated on the school board, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity:

Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

Election of chairman and vice-chairman.

10. (*1*) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.

(*2*) A chairman or a vice-chairman shall be removable from office by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board, sanction is accorded by the Provincial Government for such removal and provided, further, that before such resolution is passed, the chairman or vice-chairman is given at least two weeks' notice of such resolution and a reasonable opportunity of showing cause why such resolution should not be passed.

(*3*) Every chairman or vice-chairman who, for a continuous period exceeding three months, absents himself from the district without leave of the school board [in such manner as to be unable to perform his duties] shall cease to be chairman or vice-chairman.

(*4*) No leave shall be granted by the school board under sub-section (*3*) for a total period exceeding six months during the term of the school board.

(*5*) Whenever leave is granted to a vice-chairman under sub-section (*3*), a member shall be elected to be vice-chairman during the period of such leave.

114

CHAPTER III.

Powers, duties and functions of District School Boards, Authorized Municipalities and Municipal School Boards.

A. District School Boards.

Incorporation of district school boards.

11. Every district school board shall be a body corporate by the name of "The District School Board of.....", and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, whether within or without the limits of its area, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and do all things necessary for the purposes of this Act.

Vesting of property in and absorption of staff by district school board.

12. (*1*) Notwithstanding anything contained in any law, on the constitution of a district school board under section 4 all primary schools with their lands, buildings, records and equipment and all other properties, moveable or immoveable, which were vested in, held by or were under the control of the district local board for the purposes of primary education immediately before the date on which the school board was constituted, shall, on such date be vested in, held by or be under the control of the district school board for the said purposes:

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the matter shall be referred to the Provincial Government whose decision thereon shall be final [and binding on all the parties].

(*2*) On a date notified by the Provincial Government in this behalf, every district local board shall [hand over] *transfer* and every district school board shall take over and employ such primary school teachers and other persons as were employed by or under the district local board on such date for the purposes of primary education, on the same terms and conditions on which such teachers or persons were employed by or under the said district local board.

(*3*) The existing and future rights, liabilities, duties and powers of the district local board in respect of such teachers or other persons so far as they are not inconsistent with the provisions of this Act or the rules or regulations made thereunder shall vest in and be performed or exercised by the said district school board on and as from the date notified under sub-section (*2*).

Powers, duties and functions of district school boards.

13. (*1*) Subject to the provisions of this Act *and the rules made thereunder,* the district school board shall have control over all approved schools within [its area] *the district* and may grant aid to any approved school *other than a primary school* [which is not] maintained by the Provincial Government or [any] *by a school board or by an* authorized municipality.

(*2*) Subject to the provisions of this Act and the rules made thereunder, and so far as its primary education fund will allow, the district school board shall perform the following duties and functions :—

(*a*) to provide for the welfare of the children attending primary schools ;

(*b*) to maintain an adequate number of primary schools ;

(*c*) to provide adequate accommodation and equipment for primary schools ;

(*d*) to maintain an adequate [number] *staff* of Assistant Administrative Officers, *Supervisors,* Attendance Officers, clerks, teachers, [and] inferior servants *and other staff as may in the opinion of the Provincial Government be necessary ;*

(*e*) to maintain an adequate number of engineering staff required for the construction and maintenance of schools and other buildings ;

(*f*) to determine, on the recommendation of the Administrative Officer, the distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (*c*) of section 33 ;

(*g*) to determine with the approval of the [Director] *Educational Inspector* the [school hours] *hours of instruction* and the number and duration of vacations ;

(*h*) to determine the exact location of primary schools ;

(*i*) to grant on the recommendation of the Administrative Officer exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school ;

(*j*) to sanction all tenders for the supply of forms, stationery, furniture or equipment ;

(*k*) to suggest the opening of additional schools for the sanction of the Provincial Government ;

(*l*) to recommend to the Director such modifications in the curriculum as may seem necessary to suit local requirements ;

[(*n*)] (*m*) to advise the Provincial Government generally in respect of primary education within the district ;

1145

[(*m*)] (*n*) to carry on propaganda for the expansion of primary education;

(*o*) to perform such other duties and functions as may be prescribed.

(*3*) The district school board [may] *shall* from time to time with the sanction of the Director make regulations not inconsistent with the provisions of this Act and the rules made thereunder for—

[(*ii*)] (*i*) laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school;

[(*iii*)] (*ii*) determining the constitution, powers and duties of the taluka advisory committees.

[(*i*)] (*iii*) the supply of books, slates, [and] educational requisites, *milk, meals or clothes* to indigent children of any age receiving primary education, *if provision for such supply is made.*

Relinquishment of powers and duties.

14. (*1*) The district school board may, by a resolution passed by at least two-thirds of the whole number of members of the board *and with the consent of the District Local Board*, intimate to the Provincial Government that it desires to relinquish its powers and duties excepting the duties of advising and of carrying on propaganda for the expansion of primary education.

(*2*) If, on receipt of such intimation, the Provincial Government so directs, all powers and duties of the district school board, other than those so excepted, shall from such date and for such period as may be notified by the Provincial Government in this behalf be exercised and performed on behalf of the Provincial Government [by the Administrative Officer or by any other person or persons appointed by the Provincial Government. The district school board shall from the said date and for the said period discharge only the duties so excepted] *in the prescribed manner.*

(*3*) All primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vesting in, held by or were under the control of the district school board immediately before the date notified by the Provincial Government under sub-section (*2*) shall vest in, be held by or be under the control of the Provincial Government during the period notified under the said sub-section.

Constitution of taluka advisory committee.

15. The district school board may by a resolution [passed by at least two-thirds of the whole number of members of the board] recommend to the Provincial Government the establishment of taluka advisory committees for all or any of the talukas in the district to advise it in respect of primary education. On such recommendation being accepted by the Provincial Government such committees shall be constituted from a date to be notified by the Provincial Government in the *Official Gazette*. The constitution, powers and duties of the committees shall be as laid down in the regulations made by the district school board:

Provided that the Provincial Government may on its own motion or on the recommendation of the district school board supported by at least two-thirds of the whole number of members of the board by an order dissolve a taluka advisory committee from a date to be notified in the *Official Gazette*.

B. Authorized Municipalities.

Authorized municipalities to exercise powers etc. and hold properties of local authority municipalities.

16. (*1*) The Provincial Government may authorize any municipality constituted under the Bombay District Municipal Act, 1901, or under the Bombay Municipal Boroughs Act, 1925, to control all approved schools within its area.

Bom. III of 1901.

Bom. XVIII of 1925.

(*2*) Subject to the provisions of this Act and of the rules and regulations made thereunder, all existing *and future* rights, liabilities, powers and duties of any municipality, which was a local authority under the Bombay Primary Education Act, 1923, immediately before the date of the coming into force of this Act, in respect of primary school teachers and other persons employed by it for the purposes of primary education shall on such date vest in and be performed or exercised by the said municipality as an authorized municipality under this Act; and all properties, moveable and immovable, vesting in or held by or under the control of such municipality for the purposes of primary education, shall from such date continue to vest in, be held by or be under the control of the said municipality as such authorized municipality.

Bom. IV of 1923.

Duties and functions of authorized municipalities.

17. (*1*) Subject to the provisions of this Act and the rules made thereunder an authorized municipality shall perform the following duties and functions, namely:—

(*a*) to make adequate provision for maintaining the existing primary schools and opening new schools wherever necessary and for granting aid to approved schools [which are not under the management of] *other than primary schools maintained by* the Provincial Government or [of the] *by a school board or by an* authorized municipality;

(*b*) to provide adequate accommodation and equipment for primary schools;

(*c*) to maintain an adequate [number] *staff* of Assistant Administrative Officers, *supervisors*, Attendance Officers, clerks, teachers, [and] inferior servants *and other staff as may in the opinion of the Provincial Government be necessary*;

(*d*) to make adequate provision for facilities for the free primary education of all children to whom a scheme of compulsion applies;

(*e*) to sanction with or without variation the budget of the municipal school board;

(*f*) to perform such other duties and functions as may be prescribed.

(2) The authorized municipality may, subject to the provisions of this Act and the rules made thereunder, also make provision for the welfare of the children attending primary schools within its area.

(3) The authorized municipality shall, subject to the sanction of the Provincial Government, make regulations—

(*i*) determining the qualifications, pay and terms of employment of the Assistant Administrative Officers, supervisors, Attendance Officers, clerks, [and] inferior [staff] *servants and other staff*;

(*ii*) regulating the administration, management and control of primary schools;

[(*iv*)] (*iii*) determining the qualifications, pay and terms of employment of the Administrative Officer appointed by it under section 22;

[(*iii*)] (*iv*) for the supply of books, slates, [and] educational requisites, *milk, meals or clothes* to indigent children receiving primary education, *if provision for such supply is made.*

C. *Municipal School Boards.*

Powers, duties and functions of municipal school boards.

18. (*1*) Subject to the provisions of this Act and the rules made thereunder, the municipal school board shall be responsible for the management and control of all primary schools which vest in the authorized municipality and for the control of all other approved schools within the area of the authorized municipality *excepting such as are maintained by the Provincial Government*; and the board shall exercise such powers and perform such duties and functions of the authorized municipality in respect of primary education as may be prescribed.

(2) Subject to the provisions of this Act and the rules made thereunder, a municipal school board shall perform the following duties and functions, namely:—

(*a*) to prepare schemes to be submitted by the authorized municipality to the Provincial Government for expansion of primary education and to carry out the provisions of such scheme;

(*b*) to disburse monies from the primary education fund in accordance with the budget sanctioned by the authorized municipality;

(*c*) to perform the duties and functions specified in clauses (*f*) to (*j*) and (*l*) and [(*m*)] (*n*) of sub-section (2) of section 13;

(*d*) to perform such other duties and functions as may be prescribed.

(3) The municipal school board shall, with the sanction of the Director, make regulations laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school.

CHAPTER IV.

Non-authorized municipalities.

Exercise of powers, etc., and holding of property in respect of non-authorized municipalities.

19. (*1*) Subject to the provisions of this Act and of the rules made thereunder all properties moveable and immovable vesting in, held by or under the control of any non-authorized municipality for the purpose of primary education shall vest in, be held by or be under the control of the district school board of the district in which it is situated or such authorized municipality as the Provincial Government may specify with the consent of the authorized municipality; and all existing *and future* rights, liabilities, powers and duties of any such non-authorized municipality in respect of primary school teachers and other persons employed by it for such purposes shall vest in and be performed or exercised under this Act and all approved schools within the area of such non-authorized municipality shall be controlled by the said district school board or the authorized municipality, as the case may be.

(*2*) The Provincial Government may, at any time by an order published in the *Official Gazette* together with the reasons therefor, direct that any authorized municipality shall, with effect from a date specified in this behalf, cease to be an authorized municipality; and with effect from such date the said municipality shall be [deemed to be] a non-authorized municipality. The provisions of sub-section (*1*) shall thereupon apply in the case of such municipality.

(*3*) If any non-authorized municipality is at any time authorized by the Provincial Government to control all approved schools within its area, the said municipality shall *thereafter* be [deemed to be] an authorized municipality. Thereupon all properties moveable or immovable vesting in, held by or under the control of a district school board or an authorized municipality for the purposes of primary education in such area shall vest in, be held by or be under the control of such first mentioned municipality; and all existing *and future* rights, liabilities, powers and duties in respect of primary school teachers and other persons employed by such district school board or authorized municipality for the purposes of primary education in such area shall also vest in and be performed or exercised by the said first mentioned municipality.

CHAPTER V.

Administrative Machinery.

District *school* [local] board, authorised municipality to maintain adequate staff pay, etc.

20. (*1*) Every district school board with the approval of the Provincial Government and every authorized municipality shall maintain an adequate staff of Assistant Administrative Officers, *supervisors*, Attendance Officers, clerks, primary school teachers and inferior servants and [such] other staff (including engineering staff), as may in the opinion of the

1147

Provincial Government be necessary for the administration, management and control of approved schools within its area.

(2) The staff maintained under sub-section (1) shall be servants of the district school board or of the authorized municipality, as the case may be, and shall receive their pay, allowances, *provident fund*, gratuities and pensions from its primary education fund.

(3) The rates [and amounts] of the pay and allowances *and terms of employment* in respect of all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorized municipality shall be as fixed from time to time by the Provincial Government.

(4) The Provincial Government may from time to time prescribe the duties to be performed by the staff maintained under sub-section (1).

Administrative Officer.

21. (1) For every school board there shall be an Administrative Officer. He shall be the Chief executive officer of the board; his powers and duties shall be as prescribed.

(2) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. He shall draw his pay and allowances from the provincial revenues.

Delegation of power to appoint Administrative Officer to certain authorised municipalities.

22. (1) Notwithstanding the provisions of section 21, the Provincial Government may by notification in the *Official Gazette* delegate the power to appoint an Administrative Officer to an authorized municipality which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 for three financial years immediately preceding the date of the notification. The Administrative Officer so appointed shall be the servant of the authorized municipality and shall draw his pay, allowances, *provident fund, gratuity* [gratuities] and pension from its primary education fund.

Bom. XVIII of 1925.

(2) The appointment of such Administrative Officer shall be made after [consultation with] *inviting and considering the suggestions, if any, of* the municipal school board and with the approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removed from his office, reduced or suspended except by a resolution passed by at least two-thirds of the whole number of councillors of the authorized municipality.

(3) The qualifications, pay, *allowances* and [the] terms of employment of such Administrative Officer shall be in accordance with the regulations framed by the authorized municipality with the sanction of the Provincial Government.

Staff selection committee.

23. (1) There shall be a staff selection committee for every district school board or authorized municipality.

(*2*) The staff selection committee shall consist of the Educational Inspector of the division or any other officer designated by the Director, the chairman of the school board and the Administrative Officer.

(*3*) The [Educational Inspector or the other officer so designated shall act as president and the] Administrative Officer shall act as secretary of the staff selection committee.

[(*4*) The committee shall select candidates for appointments as Assistant Administrative Officers, Attendance Officers, clerks and teachers and in the case of district school boards also members of the engineering staff in accordance with the instructions issued by the Provincial Government.]

(4) *The Committee shall select candidates for appointments as Assistant Administrative Officers, Supervisors, Attendance Officers and teachers; and in the case of district school boards, also members of the other staff excluding inferior servants. The Committee shall also select teachers to be deputed for training. The selection of candidates and teachers shall be made in accordance with the instructions issued by the Provincial Government.*

(*5*) The school board or the authorized municipality or the Administrative Officer, as the case may be, shall make appointments of the candidates so selected in accordance with the directions given by the staff selection committee.

Powers of Administrative Officers over school board staff.

24. (*1*) The Administrative Officer shall have power, subject to such general instructions as may be issued from time to time by the Director, to promote, transfer and take all disciplinary action (including removal or dismissal) against the staff maintained under section 20.

(*2*) Any person aggrieved by an order of dismissal, removal, [or] reduction *or any other order involving disciplinary action* made under sub-section (*1*), may submit an appeal to a tribunal consisting of the chairman of the school board and the Educational Inspector of the division. The tribunal shall follow the prescribed procedure for the disposal of its business. In the event of a difference of opinion between the members of the tribunal the appeal shall be referred to the Director whose decision shall be final:

Provided that a primary school teacher who is a guaranteed teacher on the date of the coming into force of this Act, may make a further appeal to the Provincial Government against any order of removal or dismissal.

Explanation.—A guaranteed teacher means a primary school teacher who was holding a permanent appointment as such teacher on 30th June 1923.

[(*3*) Any person aggrieved by any other order made under sub-section (*1*) involving disciplinary action may make an appeal to the Educational Inspector of the division whose decision shall be final.]

[(*4*)](*3*) An appeal under sub-section (*2*) [or sub-section (*3*)] shall be made within 30 days from the date of the order appealed against.

1149

CHAPTER VI.

Preparation and Enforcement of the Schemes of Compulsion.

Preparation of scheme.

25. It shall be the duty of the Administrative Officer of a district school board to prepare in accordance with the directions received from the Director in this behalf a scheme to provide compulsory primary education in such area and for [such] children of [either sex or of both sexes] *such ages* and up to such standard and within such period as the Director may specify. The Administrative Officer shall obtain the comments and suggestions of the district school board upon the scheme so prepared by him and shall submit it together with such comments and suggestions, if any, to the Director who shall forward it to the Provincial Government with his remarks.

Preparation of scheme by authorized municipality.

26. (*1*) An authorized municipality may by a resolution declare its intention to provide compulsory primary education in the whole or any part of its area in the case of children of [either sex or of both sexes] *such ages* and up to such standard as the municipality may decide and shall submit its proposals to the Provincial Government through the Director in the form of a scheme.

(*2*) An authorized municipality, if called upon by the Provincial Government so to do, shall within a time to be specified by the Provincial Government submit to the Director a scheme to provide compulsory primary education in such area and in the case of [such] children of [either sex or of both sexes] *such ages* and up to such standard and within such period as the Provincial Government may specify.

Particulars to be contained in scheme.

27. The scheme submitted under the two preceding sections shall be in the form prescribed and shall contain the following particulars :—

(*a*) area of compulsion ;

(*b*) the census of children of the [age-groups] *ages* to which the scheme shall apply classified by [communities and regional] languages *spoken by the children* ;

(*c*) a list of existing approved schools and the schools proposed to be opened, *classified by languages in which instruction is given or is proposed to be given* ;

(*d*) a schedule of existing and proposed staff of Assistant Administrative Officers, *supervisors*, Attendance Officers, clerks, teachers and inferior servants ;

[(*e*) the manner in which provision shall be made in the area of compulsion for the education of children in different regional languages ;]

[(*f*)](*e*) the recurring and non-recurring cost of the scheme and in the case of a scheme submitted by an authorized municipality the resolution of the municipality agreeing,

to bear its share of the additional recurring and non-recurring cost;

[(g)](f) if there is a non-authorized municipality within the area of compulsion, the amount of annual contribution, which the municipality according to the orders issued by the Provincial Government under sub-section (2) of section 41 shall make.

Sanction of Provincial Government to scheme.

28. (1) The Provincial Government may after such inquiry as may be necessary sanction with or without modifications the scheme submitted under section 25 or 26. The scheme so sanctioned shall come into effect from such date as may be notified by the Provincial Government in the *Official Gazette*.

(2) Every scheme of compulsion sanctioned under the Bombay Primary Education Act, 1923, and which is in force immediately before the coming into force of this Act shall be deemed to be a scheme sanctioned under this Act.

Bom IV o 1923

Modification, etc., of sanctioned schemes.

29. A sanctioned scheme may with the sanction of the Provincial Government be withdrawn or from time to time modified by an authorized municipality, or may by an order published with the reasons for making it in the *Official Gazette* be modified, cancelled or temporarily suspended by the Provincial Government.

Power to exempt children of particular classes.

30. The Provincial Government may by notification in the *Official Gazette* exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.

No fees to be charged in area of compulsion.

31. When a scheme has been sanctioned, no fee shall be charged within the area of compulsion in any school maintained by the district school board or the authorized municipality, as the case may be, in respect of any child for the standards included in the scheme.

Duty of parent to cause children to attend school.

32. In every area of compulsion, the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Meaning of reasonable excuse.

33. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—

(a) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(b) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient or has received from the school board a certificate of having already completed his primary education upto the standard included in the scheme;

(*c*) where there is no approved school within the distance fixed by the school board under section 13 or 18, as the case may be ;

(*d*) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under section 13 or 18, as the case may be, until such time as the parent is notified by the Administrative Officer that the child can be admitted ;

(*e*) where there is no approved school in the locality in which instruction is given in the [regional] language *spoken by* [of] the child ;

(*f*) where there is no approved school in the locality to which the parent can send the child without exposing [it] *him* to religious instruction to which the parent objects.

Issue of attendance order.

34. (*1*) Where the school board is satisfied that the parent of any child who is bound under the provisions of section 32 to cause such child to attend an approved school, has failed to do so, the school board after giving the parent an opportunity of being heard and after such inquiry as it considers necessary may make an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order.

(*2*) This power may be delegated by the school board to any of its members or to the Administrative Officer or other officer of the school board.

(*3*) Any parent aggrieved by an order made under sub-section (*1*) may, within thirty days from the date of such order appeal to the Educational Inspector of the division who may confirm or rescind the order as he deems fit.

Penalty for failure to cause child to attend approved school.

35. (*1*) Any parent against whom an order with reference to a child has been made under sub-section (*1*) of section 34 and who fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order shall, unless such order is rescinded in an appeal made under sub-section (*3*) of the said section 34,—

(*i*) if he resides in a town or village where there is a magistrate, on conviction by such Magistrate ; or

(*ii*) if he resides in a village having a panchayat, on conviction by a village bench ; or

(*iii*) if he resides elsewhere, on conviction by a [revenue or police patel or other] person empowered in this behalf by the District Magistrate,

be liable to a fine not exceeding two rupees and if such failure continues after such conviction, he shall also on conviction by such Magistrate, village bench, [patel] or person be liable to a fine of eight annas for every day that the failure continues or is repeated.

(2) No magistrate, village bench, [patel] or person shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf.

Penalty for employing child to whom scheme applies.

36. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 32 apply, so as to interfere with the education or instruction of such child shall, on conviction, be liable to a fine not exceeding twenty-five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Administrative Officer or any other officer authorised by him in this behalf, and before making any complaint under this section against any person the Administrative Officer or such officer shall unless such person has been previously convicted under sub-section (1) cause a warning to be given to such person.

Administrative Officer to be public servant.

37. For the purposes of sections 35 and 36 the Administrative Officer shall be deemed to be a public servant within the meaning of proviso (*aa*) to section 200 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VII.

Approved Schools.

Subjects, curricula, etc. of approved schools.

33. The subjects, curricula, books and standards of teaching of approved schools shall be such as may from time to time be specified by the Provincial Government.

Recognition of and grants to approved schools under private management.

39. (1) Every primary school, *other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality*, [under private management] which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

(2) Such recognition shall be given by the school board or by the Provincial Government *or by an officer authorized by it in this behalf*; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

Inspection of approved schools: returns.

40. (1) Every approved school shall be open during school hours to inspection by the inspecting officers of the Provincial Government for the purpose, in particular, of ascertaining—

(*a*) whether instruction is given in accordance with the provisions of section 38.

(*b*) whether the provisions of this Act for the compulsory attendance of children are being carried out;

(*c*) whether the health of the school children is satisfactory;

(*d*) whether the instruction given is not of a pernicious nature;

(*e*) whether the registers and records are being maintained as required by the Director.

1153

(2) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (1) of section 48 and to any officer specially deputed under this sub-section by the Director in the discharge of their duties.

CHAPTER VIII.

Financial relations between the Provincial Government and Local Bodies.

Payment to be made by district local board and non-authorized municipality.

41. (1) Every district local board shall pay over annually to the district school board for the purposes of primary education such portion of its income from its revenue described in clauses (*b*) and (*c*) of section 75 of the Bombay Local Boards Act, 1923, as the Provincial Government may from time to time fix in this behalf

Bom. VI of 1923.

(2) Every non-authorized municipality shall pay over annually to the district school board or the authorized municipality, as the case may be, for the purposes of primary education such proportion of the rateable value of properties in the area of the municipality as may from time to time be fixed in this behalf by the Provincial Government and the income accruing from any funds (including trust funds) held, and all moneys received by it for the said purposes.

Contribution by Provincial Government.

42. (1) If a scheme submitted by an authorized municipality is sanctioned under section 28, the Provincial Government shall bear half of the additional recurring and non-recurring annual cost of the scheme so sanctioned; but the liability of the Provincial Government shall not exceed half of the said cost, as it was estimated by the authorized municipality.

(2) Nothing in this section shall affect the claim of any authorized municipality to any annual grant which at the time this Act comes into force is being paid to it as a local authority under the Bombay Primary Education Act, 1923, by the Provincial Government for the purposes of primary education:

Bom. IV of 1923.

Provided that, if the Provincial Government considers that the primary education fund of any authorized municipality has been or is about to be misused or misapplied, it may call upon such authorized municipality for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such authorized municipality as it may deem proper.

(3) The Provincial Government shall pay to a district school board a grant [equal] *equivalent* to the amount by which expenditure in accordance with the budget sanctioned under the next following section exceeds the receipts referred to in clauses (*b*) to (*d*) and [(*f*)] (*g*) of sub-section (2) of section 44.

District school board budget.

43. The budget of the district school board shall in the prescribed manner be framed and submitted to the Provincial Government and the Provincial Government may sanction it with such modifications as it may deem fit to make therein.

Primary education fund.

44. (*1*) A fund called the primary education fund shall be maintained by every district school board and by every authorized municipality.

(*2*) The following shall form part of, or be paid into, the primary education fund :—

(*a*) the balance of the primary education fund maintained under section 8A of the Bombay Primary Education Act, 1923 ; Bom. IV of 1923.

(*b*) the contributions payable by non-authorized municipalities under sub-section (*2*) of section 41 ;

(*c*) fees and fines received in respect of primary schools maintained by the school board or the authorized municipality, as the case may be ;

(*d*) in the case of a district school board, such portion of the income of the district local board as the Provincial Government may fix under sub-section (*1*) of section 41 ;

(*e*) *in the case of an authorized municipality, the grant paid or payable by the authorized municipality on account of primary education* ;

[(*e*)] (*f*) the grant paid or payable by the Provincial Government on account of primary education ;

[(*f*)] (*g*) such other sums as may from time to time be received on account of primary education.

Explanation.—For the purposes of clause (*e*) *the grant payable by an authorized municipality shall be the amount of expenditure on account of primary education in any year less the grant paid by the Provincial Government in that year, and fees and sums of money from other sources of income belonging to the fund.*

Application of primary education fund.

45. (*1*) The primary education fund shall stand in the name of the school board and shall, subject to the provisions of [the] *this* Act be applied for the purposes specified therein and for such other purposes as may be prescribed.

(*2*) The fund shall be maintained, administered and used in the manner prescribed.

Deposit of primary education fund.

46. (*1*) The primary education fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to have been registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the Provincial Government. Bom. VII of 1925.

(*2*) It shall be lawful for the school board to invest such portion of the primary education fund as is not likely to be immediately required in post office cash certificates or in securities of the Central Government or any Provincial Government.

1155

(3) Every investment in Government securities shall be made through the Reserve Bank of India or any other bank approved by the Provincial Government in this behalf.

Payment of travelling allowances to chairman, vice-chairman and members of school board.

47. The chairman, vice-chairman and members of the school board may be paid allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such rates and subject to such conditions as may be prescribed.

CHAPTER IX.

Control.

Inspecting staff.

48. (*1*) The Provincial Government may appoint such officers (including inspecting officers) as it may deem necessary for the purposes of [supervision] *superintendence* and inspection and generally for the purposes of [securing the effective execution of this Act] *giving effect to the provisions of this Act.*

(*2*) The officers appointed under sub-section (*1*) shall be the servants of the Provincial Government, and their powers and duties shall be such as may be prescribed.

Inspecting officers to be present at school board meetings.

49. (*1*) An inspecting officer nominated by the Director in this behalf shall have the right of being present at any meeting of the school board, and with the consent of the chairman, of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution, at such meeting.

Powers of supervision.

(*2*) The Director or Educational Inspector or any officer authorized by a general or special order of the Provincial Government may—

(*a*) (*i*) enter on and inspect any immovable property occupied for any purpose connected with primary education by a school board or authorized municipality or any educational institution under its control or management; or

(*ii*) cause such property or institution to be entered upon and inspected by any other person authorized by him in this behalf;

(*b*) call for any extract from the proceedings of any authorized municipality or school board, or of any committee appointed by any of them relating to any matter connected with primary education; or

(*c*) call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of an authorized municipality or school board.

Power to call for return or require explanation etc.

50. The Director may—

(*a*) call for from any authorized municipality or school board or Administrative Officer any return, statement, account or report relating to any matter connected with primary education,

(*b*) call upon an authorized municipality or school board to take into consideration any objection which appears to him to exist to the doing of anything connected with primary education which is about to be done by such municipality or board or any information furnished by him which appears to him to necessitate the doing of a certain thing by such municipality or board and to make a written reply to him within a reasonable time, stating in case of disagreement with the Director its reasons for not desisting from doing or for not doing such a thing.

Power of suspending execution of orders, etc. of school board.

51. (*1*) If, in the opinion of the Director, the execution of any order or resolution of a school board or the doing of anything which is about to be done or is being done by or on behalf of the board is, in excess of the powers conferred by, or contrary to, this Act or the rules or regulations made thereunder, or is otherwise unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(*2*) When the Director makes an order under sub section (*1*), he shall forthwith forward to the board affected by it a copy of such order with a statement of the reasons for making it.

(*3*) The Director shall forthwith submit to the Provincial Government a report of every case occurring under this section and the Provincial Government may annul, confirm, revise or modify any order made therein and make in respect thereof any other order :

Provided that no order of the Director passed under this section shall be confirmed, revised or modified by the Provincial Government without giving the board reasonable opportunity of showing cause against the said order.

Default by authorized municipality.

52. (*1*) If any authorized municipality when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory primary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Provincial Government may after due inquiry appoint a person to prepare the scheme or bring it into operation or to continue to keep it in operation, as the case may be, and the expense thereof shall be paid by the authorized municipality to the Provincial Government.

(*2*) If the expense is not so paid the Provincial Government may make an order directing any person who has for the

1157

time being custody of any moneys on behalf of the authorized municipality either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Power of Provincial Government to provide for performance of duties on default by school board.

53. (*1*) When the Provincial Government is informed that a school board has made a default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if it is satisfied after such inquiry as it may think fit, that the school board has been guilty of such default, by an order in writing direct the school board to perform the duty within a period fixed for the performance of that duty:

Provided that no such order shall be made unless the school board has been given an opportunity to show cause why such order should not be made.

(*2*) If such a duty is not performed within the period so fixed, the Provincial Government may appoint some person to perform it and may direct that the expenses of performing it with a reasonable remuneration to the person appointed to perform it shall be paid within such time as it may fix to such person by the school board or as the Provincial Government may direct.

(*3*) If the expenses and remuneration are not paid, the Provincial Government may make an order directing the officer in charge of the treasury or bank or society in which the primary education fund is kept or the whole or portion thereof is deposited or lent at interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the school board in such treasury or bank or society or as may from time to time be received from or on behalf of the school board by way of deposit by such treasury or bank or society; and such officer or bank or society shall be bound to obey such order. Every payment made in pursuance to such order shall be a sufficient discharge to such officer, bank or society from all liabilities to the school board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the school board in such treasury, bank or society.

Directions by Provincial Government.

54. Notwithstanding anything contained in this Act, the Provincial Government shall have power to give to a district school board all such directions as it may consider necessary in regard to any matter connected with primary education and the district school board shall comply with such directions.

Enquiry into affairs of school board.

55. (*1*) The Provincial Government may, from time to time, cause enquiry to be made by any of its officers in regard to any authorized municipality or school board on matters connected with primary education concerning them or any matters with respect to which the sanction, approval, consent

or order of the Provincial Government is required by or under this Act.

(2) The officer holding such enquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry. V of 1908.

(3) The Provincial Government may make orders as to the costs of any enquiries made under sub-section (1) and as to the party by whom and the funds out of which they shall be paid, and such order may, on the application of the Provincial Government or of any person named therein be executed as if it were a decree of a civil court.

Dissolution or supersession of school board in certain circumstances.

56. (1) If in the opinion of the Provincial Government a school board is not competent to perform or is not properly performing the duties imposed on it by or under this Act or the rules or regulations made thereunder or exceeds or abuses its powers, or is acting or has acted contrary to the provisions of this Act or the rules or regulations made thereunder, it may, by an order published in the *Official Gazette* with the reasons for making it either—

(a) dissolve the Board, or

(b) supersede it for a period to be specified in the order.

(2) When the school board is dissolved or superseded, the following consequences shall ensue:—

(a) all members of the board shall in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, [vacate] *be deemed to have vacated* their offices as such members;

(b) all powers and duties of the board shall, during the period of dissolution or supersession, be exercised and performed by such *person or* persons as the Provincial Government may from time to time appoint in this behalf;

(c) the *person or* persons appointed under clause (b) may delegate their powers and duties to any individual or committee or sub-committee.

(3) On the issue of an order of dissolution under sub-section (1) election of members shall be held under the provisions of this Act or of the rules made thereunder on or before the date to be specified by the Provincial Government and the board shall be re-established by the election, appointment or nomination of members under the aforesaid provisions on such date as may be specified by the Provincial Government.

(4) If, after enquiry made, the Provincial Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may

159

be fixed by the Provincial Government for the re-establishment of the board.

(*5*) After the board is superseded it shall be re-established by election, appointment or nomination of members under the provisions of this Act or the rules made thereunder applicable thereto—

(*a*) if no direction has been made under sub-section (*4*), on the expiration of the period specified in the order of supersession under clause (*b*) of sub-section (*1*), and

(*b*) if a direction has been made under sub-section (*4*) on such date as is fixed under that sub-section for the re-establishment of the school board.

Dissolution of district school board and its re-constitution on alteration of limits of district.

57. (*1*) When during the term of office of the members of a district school board the limits of the district are on account of the formation of a new district under the Bombay Land Revenue Code, 1879, or for any other reason altered, the Provincial Government may, by order published in the *Official Gazette*, dissolve such board from a date specified in the order and direct a district school board—

(*i*) to be reconstituted for the district of which the district school board has been dissolved, or

(*ii*) to be established for a new district which has been constituted.

The members of the district school board which has been dissolved shall vacate their offices from the date specified in the order.

(*2*) The district school board re-constituted or established under the provisions of sub-section (*1*) shall consist of such number of members elected, appointed or nominated in such manner as the Provincial Government may by order in writing direct. The chairman and vice-chairman of the district school board so reconstituted or established shall be elected in the manner provided in this Act and the rules made thereunder.

(*3*) The members of a district school board reconstituted or established under the provisions of sub-section (*2*) shall hold office for such period, not exceeding one year as the Provincial Government shall by order specify.

(*4*) On the expiry of the period of office of the members of a district school board under the provisions of sub-section (*3*), the district school board shall be constituted in the manner provided in section 4.

CHAPTER X.

Provincial Board of Primary Education.

Constitution of Provincial Board of Primary Education.

58. (*1*) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, of whom not more than three shall be Government officers, shall be appointed by the Provincial Government.

(2) The members of the said board shall hold office for a period of three years :

Provided that the term of office of the out-going members shall be deemed to extend to and to expire with the date on which their successors are elected or appointed, as the case may be.

(3) Any member of the said board may resign his seat at any time by giving notice thereof in writing to the president ; and such member shall be deemed to have vacated his seat as soon as the president has received his resignation.

(4) Any member of the said board who absents himself from three consecutive meetings of the board without its previous permission shall cease to be a member of the board.

(5) The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of the said board remove any member of the said board if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no such member shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

(6) The elected members of the said board shall be persons having any of the following qualifications :—

(a) a graduate of seven years' standing of any recognised University

(b a professor who has served as such for a period of five years in a college affiliated to a statutory University in the Province of Bombay ;

(c) a headmaster who has served as such for ten years in any primary school or high school recognised by the [Educational] Department *of Education* of the Provincial Government.

(7) The said board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the board. Of the members appointed by the Provincial Government, one member selected by the Provincial Government and belonging to the [Educational] Department *of Education* shall act as Secretary to the board.

(8) Casual vacancies during the term of the said board shall be filled for the remaining period by election or appointment as the case may be.

59. The powers and duties of the said board shall be as follows, namely :— Powers and duties of Provincial Board.

(*a*) to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province ;

(*b*) to advise the Provincial Government generally on all matters connected with primary education ;

(*c*) to exercise such other powers and to perform such other duties as may be prescribed.

CHAPTER XI.

Miscellaneous.

60. The Provincial Government may delegate any of its powers or duties under this Act to any officer or authority subordinate to it. Delegation of its powers by Provincial Government.

61. (*1*) *Subject to the provisions of this Act and the Rules made thereunder*, an authorized municipality may delegate any of its powers, duties and functions under this Act to the municipal school board ; Delegation by authorized municipalities and school boards of their powers, duties and functions.

(*2*) (*a*) a school board may from time to time constitute committees and discontinue or alter the constitution of such committees ;

(*b*) the school board may delegate any of its powers, duties and functions to any such committee or to any member or Administrative Officer or stipendiary or any other officer of the board ; and such committee, member or officer shall conform to any instructions that may from time to time be given by the board ;

(*3*) the authorized municipality or the school board may at any time withdraw any of the powers, duties and functions so delegated.

62. (*1*) No suit, prosecution or other legal proceeding shall be commenced against any school board or authorized municipality or a servant thereof or any person acting under the orders of the said board or municipality for anything done, or purporting to have been done in pursuance of this Act, which entitles or requires a school board, authorized municipality, member, officer, servant as such or other person so acting to exercise any powers or perform duties without giving to such school board, authorized municipality, member, officer, servant or person one month's previous notice in writing of the intended [acting] *action* and of the cause thereof, or after six months from the date of the act complained of. Limitation of suits.

(*2*) In the case of any such suit for damages if tender of sufficient amends shall have been made before the action

was brought, the plaintiff shall not recover more than the amount as tendered, and shall pay all costs incurred by the defendant after such tender.

Power to make rules.

63. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters :—

(*a*) the manner of election of the chairman, vice-chairman and the members of a school board ;

(*b*) *the duties and functions of the chairman and the vice-chairman ;*

[(*b*)] (*c*) procedure for the conduct of school board's business ;

[(*c*)] (*d*) procedure for sanctioning tenders ;

(*e*) *the constitution and functions of village school committees ;*

[(*d*)] (*f*) *provident funds, gratuities and* pensions, [gratuities and provident funds] for the staff maintained by the district school board and for the primary-school teachers maintained by an authorized municipality ;

[(*e*)] (*g*) provision for the welfare of the children attending primary schools including provision for the care of their health, for their physical and moral training [and the supply of meals to them] ;

[(*f*)] (*h*) pre-vocational courses as a part of upper primary courses ;

[(*g*)] (*i*) regulation of the delegation of powers, duties and functions under [the] *this* Act ; and

[(*h*)] (*j*) matters to be prescribed under [the] *this* Act.

(*3*) Rules made under sub-sections (*1*) and (*2*) shall be made after previous publication.

Repeal and transitory provision relating to school boards.

64. The Bombay Primary Education Act, 1923, is hereby repealed : Bom. IV of 1923.

Provided that until a new school board is constituted under section 4, any existing school board under the Bombay Primary Education Act, 1923, shall exercise all the powers and perform all the duties and functions and shall be subject to all the rights and liabilities as if it is constituted under this Act. Bom. IV of 1923.

Act to prevail over provisions of certain other Acts.

65. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the provisions relating to primary education in the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925. Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

STATEMENT OF OBJECTS AND REASONS.

Government has decided that compulsory education up to primary fourth standard should be introduced throughout the Province within a period of about 10 years. It is necessary that this great educational expansion is carried on efficiently and that there is co-ordination and uniformity of method in the process of expansion. Government also realises that it will have to bear a considerably larger share of expenditure on primary education in the rural areas and in the areas of the smaller municipalities.

2. The working of the existing Primary Education Act as amended in 1938 has also brought to notice some drawbacks which it is necessary to remove.

3. The scheme of the present Bill is broadly as follows. In respect of the district school board Government proposes to bear all the necessary expenditure for primary education excepting certain fixed contributions from the district local board and the non-authorized i.e. smaller municipalities represented on the district school board. Correspondingly the district local board and such municipalities have been assigned the only duty of electing members on the district school board and will otherwise have no other functions to perform in the field of primary education. Duties and functions under the Act are entrusted to the district school boards.

4. As the financial burden in respect of the district school board will in the main be borne by the Government, the rates of pay and allowances of all the staff under the district school board will hereafter be fixed also by the Government. In the case of authorized municipalities, however, Government will fix the pay and allowances only of teachers.

5. Power has been taken to nominate a few persons experienced in education on school boards including one Government officer. Representation for head masters of primary schools has also been made possible on the Provincial Board of Primary Education.

6. For all school boards, provision has been made for the staff to be selected by a Staff Selection Committee. It is also provided that appeals in respect of the major punishments of dismissal, removal or reduction shall be heard by a joint board of Educational Inspector and the chairman of the school board.

7. It is intended by the machinery of the Staff Selection Committee and the Appellate Tribunal to ensure efficient selection and working of all the executive staff.

8. As regards the preparation of schemes in a district school board area a shorter and more direct procedure has been laid down, the duty devolving on the Administrative Officer himself. The views and comments of the district school board have however necessarily to be taken and forwarded to Government.

9. Provision has also been made for the voluntary relinquishment by a district school board of its duties if it prefers to act in an advisory capacity and also of establishment of Taluka Advisory Committees if the district school board so desires.

10. In all other respects the present provisions of the Act are retained in almost their entirety. For convenience however an entirely new Bill has been drafted to take the place of the present Act.

B. G. KHER.

Dated 16th September 1947.

Mo-III Bk Hb 235—7

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLVIII OF 1947]

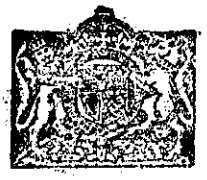
(As amended by the Select Commi

A Bill to provide for the compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

[Mr. B. G. KHER, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRES

Registered No. B-1



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 29TH JANUARY 1948.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Ac... ... the Indian Legislature assented to by the Governor General.

CONTENTS.

PAGES

BOMBAY ACT No. LXI OF 1947—An Act to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay 74-105

BOMBAY ACT No LXII OF 1947.—An Act to provide for the prevention of fragmentation of agricultural holdings and for their consolidation ...106-116

The following Act of the Bombay Legislature having been assented to by the Governor on the 12th December 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. LXI OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 29th January 1948.)

An Act to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

WHEREAS it is the duty of Government to secure the development and expansion of primary education; and whereas it is the declared policy of Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion; and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (*1*) This Act may be called the Bombay Primary Education Act, 1947. **Short tit... and exter...**

(2) It extends to the whole of the Province of Bombay except the City of Bombay.

(3) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(1) "Administrative Officer" means an officer appointed under section 21 or 22;

(2) "Approved school" means a primary school maintained by the Provincial Government or by a school board or by an authorized municipality or which is for the time being recognised as such by a school board or by the Provincial Government or by an officer authorized by it in this behalf;

(3) "Area of compulsion" means the area in which primary education up to any standard is compulsory;

(4) "Area of an authorized municipality" means the area comprised within the limits of such municipality and shall include the area of a non-authorized municipality approved schools in which vest in or are controlled by the authorized municipality;

(5) "To attend an approved school" means to be present for instruction at such school on such days and at such time and for such periods on each day as may be required under the regulations framed by the school board;

(6) "Authorized Municipality" means a municipality which is authorized by the Provincial Government under sub-section (1) of section 16 to control all approved schools within its area;

(7) "Child" means a boy or girl whose age is not less than six and not more than fourteen years at the beginning of the school year.

Explanation.—For the purposes of this definition, "school year" shall mean the year beginning with such date as the school board may, with the sanction of the Director, fix;

(8) "Director" means the Director of Public Instruction for the Province of Bombay;

(9) "District" in clause (*h*) of section 5, in section 6, sub-section (3) of section 10, and section 19 means the district as formed under the Bombay Land Revenue Code, 1879, and elsewhere the area comprised in a district so formed excluding the areas of authorized municipalities and cantonments; Bom. V of 1879.

(10) "District School Board" means a school board constituted for a district under section 3;

(11) "Municipal School Board" means a school board constituted for the area of an authorized municipality under section 8;

(*12*) " Non-authorized Municipality " means a municipality other than an authorized municipality;

(*13*) " Parent " includes a guardian or any person who has the custody of a child;

(*14*) " Prescribed " means prescribed by rules made under this Act;

(*15*) " Primary Education " means education in such subjects and up to such standards as may be determined by the Provincial Government from time to time;

(*16*) " Primary Education Fund " means the fund maintained under section 44;

(*17*) " Primary School " means a school or a part of a school in which primary education up to any standard is imparted;

(*18*) " Provincial Board of Primary Education " means the board constituted under section 58;

(*19*) " School Board " means a district school board or a municipal school board, as the case may be.

CHAPTER II.

Constitution of District and Municipal School Boards.

School boards.

3. (*1*) For each district there shall be a district school board.

(*2*) For each area of an authorized municipality there shall be a municipal school board.

Constitution of school boards.

4. (*1*) Each school board shall consist of members not less than twelve and not more than sixteen in number.

(*2*) Of these members not less than two and not more than three in number shall be appointed by the Provincial Government.

(*3*) The number of members under sub-sections (*1*) and (*2*) shall be determined by the Provincial Government from time to time.

(*4*) Of the members appointed by the Provincial Government under sub-section (*2*) one shall be an officer of the Provincial Government; and the remaining shall be persons (*i*) who shall have passed the matriculation examination or shall possess any other equivalent or higher educational qualification which the Provincial Government may specify in this behalf or (*ii*) who have had experience of the system or institutions of primary education.

(*5*) (*a*) The members other than those appointed by the Provincial Government shall be elected by the district local board or the authorized municipality, as the case may be:

Provided that where approved schools within the area of any non-authorized municipalities are controlled by the district school board or the authorized municipality,

not more than two of such members as may be determined by the Provincial Government from time to time shall be elected in the manner prescribed by the said non-authorized municipalities, on the district school board or municipal school board, as the case may be.

(*b*) Members elected under this sub-section shall not necessarily be members of the electing local authority.

(*6*) Of the members elected by the district local board or by the authorized municipality—

(*a*) one at least shall be a woman; and

(*b*) such number not exceeding three as may be prescribed shall be from amongst the minorities and backward communities.

(*7*) Members elected under sub-section (*5*) shall have passed the primary school certificate examination or shall possess such other equivalent or higher educational qualification as may be prescribed:

Provided that persons from amongst the backward communities shall be eligible for being elected as members if they shall have passed at least the primary fourth standard examination:

Provided further that out of the seats of the members to be elected by the district local board or the authorized municipality not less than three shall be reserved in the prescribed manner for persons who have passed the matriculation or second year training certificate examination.

Explanation.—For the purposes of sub-sections (*6*) and (*7*) "minorities" and "backward communities" shall mean such classes and communities as may be prescribed.

(*8*) If the Provincial Government is satisfied that any election (including a bye-election) cannot for any reason be held at all or cannot be completed within such period as the Provincial Government considers reasonable or has not resulted in the return of the required number of qualified persons willing to take office, the Provincial Government shall nominate from amongst persons who would have been qualified to be elected the required number of persons as members of the school board and the persons so nominated shall be deemed to have been duly elected under sub-section (*5*).

(*9*) Except as otherwise provided in this Act, the term of office of the members of a school board shall cease on the expiry of the term of the electing district local board or authorized municipality:

Provided that the term of office of such members shall not be deemed to expire by reason only of the fact that the district local board or authorized municipality, as the case may be, is dissolved or superseded.

(*10*) (*a*) If the term of office of the members of a school board expires during the supersession of the electing district local board or authorized municipality, a new school board shall be constituted as provided in sub-sections (*1*) to (*7*) until the district local board or authorized municipality, as the case may be, is re-established, provided that the members of such school board shall be nominated by the Provincial Government.

(*b*) The term of office of the members of the school board so nominated shall be for such period not exceeding three years as the Provincial Government may determine:

Provided that if during such period the district local board or authorized municipality, as the case may be, is re-established, the term of office of the members of the school board shall expire on the date on which a new school board is constituted.

(*11*) Notwithstanding the expiry of the term of the members of any school board under sub-section (*9*) or (*10*), they shall continue in office until the members of a new school board are elected, appointed or nominated, as the case may be.

(*12*) (*a*) Any member of a school board other than the chairman or vice-chairman may resign his office by giving notice in writing to that effect to the chairman and such resignation shall take effect from the date of its receipt by the chairman.

(*b*) The vice-chairman may resign his office as vice-chairman or member by giving notice in writing to that effect to the chairman. The chairman may resign his office as chairman or member by giving notice in writing to that effect to the president of the district local board or of the authorized municipality, as the case may be. Such resignations shall take effect from the date of their acceptance by the chairman or the president.

(*13*) Casual vacancies including that of a chairman or vice-chairman during the term of a school board shall be filled for the remaining period by election, appointment or nomination, as the case may be.

Disqualifications of members.

5. No person shall be elected, appointed or nominated member of a school board who—

(*a*) is less than 25 years of age, or

(*b*) is a judge of a civil court or a magistrate, or

(*c*) (*i*) has been sentenced by a criminal court to fine, imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of the said Code, such order not having subsequently been reversed or quashed, or V of 1898.

(*iii*) has been removed from office under this Act and five years have not elapsed from the date of such removal,

unless he has, by an order of the Provincial Government notified in the *Official Gazette*, been relieved from the disqualification arising on account of such sentence, order or removal from office, or

(*d*) is a stipendiary officer or an employee of any school board, or district local board or municipality, or

(*e*) who has been adjudged an insolvent and has not obtained his discharge, or

(*f*) has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of, or in any contract entered into on behalf of the school board or the electing local authority, or

(*g*) is an employee or a teacher in any approved school, or

(*h*) has resided within the district for a period of less than six months preceding the date fixed for recording of votes for elections to the school board, or

(*i*) has been adjudged by a competent court to be of unsound mind.

Explanation.—A person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*a*) having any share or interest in any lease, sale or purchase of any immovable property or in an agreement for the same if before taking his seat as a member of the school board, he has obtained the sanction of the Provincial Government to have such share or interest, or

(*b*) having a share or interest in any joint stock company or in any society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, which may contract with or be employed by or on behalf of the school board or the electing local authority, or Bom. VII of 1925.

(*c*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the school board or the electing local authority may be inserted, or

(*d*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the school board or the electing local authority, or

(*e*) having a share or interest in the occasional sale to the school board or electing local authority of any article in which he regularly trades, or in the purchase from the school board or the electing local authority of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*f*) having a share or interest in the occasional letting out on hire to the school board or the electing local authority or in the hiring from the school board or the electing local authority of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the school board or the electing local authority with the sanction of the Provincial Government may fix in this behalf, or

(*g*) being a police patel who is an *ex-officio* keeper of village cattle pounds under the control of the electing local authority.

Determination of validity of elections; enquiry by Judge; procedure.

6. (*1*) If the validity of the election of a member of a school board is brought in question by an unsuccessful candidate or by any person qualified to vote at the election, such person may, at any time within fifteen days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(*2*) An enquiry shall thereupon be held by a Judge not below the grade of an Assistant Judge and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or setting the election aside. For the purposes of the said enquiry, the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed, and the necessary steps taken for holding a fresh election.

(*3*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of members is in question shall as far as possible, be heard by the same Judge, and

(*b*) in which the validity of the election of the same member is in question shall be heard together.

(*4*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not allow (*a*) any application to be compromised or withdrawn, or (*b*) any pleadings in the proceedings to be altered or amended, unless he is satisfied that such application, alteration or amendment is *bona fide* and not collusive. V of 1908.

(*5*) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (*6*), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(*6*) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury to any person; or

(*b*) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote;

and a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression "a promise of individual profit"

(*i*) does not include a promise to vote for or against any particular measure which may come before a school board for consideration, but

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(*7*) If the validity of the election is brought in question only on the ground of an irregularity or informality which has not materially affected the result of the election or which has not been corruptly caused, the Judge shall not set aside the election.

(*8*) If the Judge sets aside an election under clause (*a*) of sub-section (*5*) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of sub-section (*6*) to be disqualified from being a member of any school board for a term of years not exceeding five and the decision of the Judge shall be conclusive:

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made:

Provided further that such person may by an order of the Provincial Government in that behalf be at any time relieved from such disqualification.

Disqualification after becoming member.

7. (*1*) If any member of a school board, during the term for which he has been elected, appointed or nominated—

(*a*) absents himself during three successive months from the meetings of the school board without the previous permission of the board, or

(*b*) becomes subject to any of the disqualifications mentioned in section 6,

he shall be disabled from continuing to be a member of such board and his seat shall be deemed to be vacant:

Provided that he shall not be deemed to have incurred any disqualification under clause (*f*) of section 5 by reason of his having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, if he has obtained the previous sanction of the Provincial Government to have such share or interest.

(*2*) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Provincial Government shall be final for the purpose of deciding such question, dispute or doubt.

Disabilities on account of interest in subject-matter.

8. A member shall not vote or take part in a discussion on any matter before a meeting of a school board in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in clause (*f*) of section 5 or in which he is professionally interested on behalf of a client, principal or other person. The vote so given shall not be counted.

Removal of members of school board for misconduct.

9. The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of—

(*i*) a school board, or

(*ii*) the district local board or the authorized municipality which elected the member,

remove any member elected, appointed or nominated on the school board, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no person shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

Election of chairman and vice-chairman.

10. (*1*) Every school board shall elect a chairman and a vice-chairman from amongst the members of the board.

(*2*) A chairman or a vice-chairman shall be removable from office by a resolution passed to that effect, provided that at least two-thirds of the total number of members of the school board vote in favour of such resolution or where the number of such members voting in favour of such resolution is less than two-thirds but more than one-half of the total number of members of the school board, sanction is accorded by the Provincial Government for such removal and provided, further, that before such resolution is passed, the chairman or vice-chairman is given at least two weeks' notice of such resolution and a reasonable opportunity of showing cause why such resolution should not be passed.

(*3*) Every chairman or vice-chairman who, for a continuous period exceeding three months, absents himself from the district without leave of the school board shall cease to be chairman or vice-chairman.

(*4*) No leave shall be granted by the school board under sub-section (*3*) for a total period exceeding six months during the term of the school board.

(*5*) Whenever leave is granted to a vice-chairman under sub-section (*3*), a member shall be elected to be vice-chairman during the period of such leave.

CHAPTER III

Powers, duties and functions of District School Boards, Authorized Municipalities and Municipal School Boards.

A. District School Boards.

Incorporation of district school boards.

11. Every district school board shall be a body corporate by the name of "The District School Board of.....", and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immovable, whether within or without the limits of its area, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and do all things necessary for the purposes of this Act.

Vesting of property in and absorption of staff by district school board.

12. (*1*) Notwithstanding anything contained in any law, on the constitution of a district school board under section 4 all primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vested in, held by or were under the control of the district local board for the purposes of primary education immediately before the date on which the school board was constituted, shall, on such date be vested in, held by or be under the control of the district school board for the said purposes:

Provided that in the event of any question, dispute or doubt arising as to whether any particular property shall so vest in or be held by or be under the control of the district school board, the matter shall be referred to the Provincial Government whose decision thereon shall be final.

(*2*) On a date notified by the Provincial Government in this behalf, every district local board shall transfer and every district school board shall take over and employ such primary school teachers and other persons as were employed by or under the district local board on such date for the purposes of primary education, on the same terms and conditions on which such teachers or persons were employed by or under the said district local board.

(*3*) The existing and future rights, liabilities, duties and powers of the district local board in respect of such teachers or other persons so far as they are not inconsistent with the provisions of this Act or the rules or regulations made thereunder shall vest in and be performed or exercised by the said district school board on and as from the date notified under sub-section (*2*).

Powers, duties and functions of district school boards.

13. (*1*) Subject to the provisions of this Act and the rules made thereunder, the district school board shall have control over all approved schools within the district and may grant aid to any approved school other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality.

(*2*) Subject to the provisions of this Act and the rules made thereunder, and so far as its primary education fund will allow, the district school board shall perform the following duties and functions :—

(*a*) to provide for the welfare of the children attending primary schools ;

(*b*) to maintain an adequate number of primary schools ;

(*c*) to provide adequate accommodation and equipment for primary schools ;

(*d*) to maintain an adequate staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary ;

(*e*) to maintain an adequate number of engineering staff required for the construction and maintenance of schools and other buildings ;

(*f*) to determine, on the recommendation of the Administrative Officer, the distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (*c*) of section 33 ;

(*g*) to determine with the approval of the Educational Inspector the hours of instruction and the number and duration of vacations ;

(*h*) to determine the exact location of primary schools ;

(*i*) to grant on the recommendation of the Administrative Officer exemption from attending an approved school to a child who is receiving instruction otherwise than in an approved school ;

(*j*) to sanction all tenders for the supply of forms, stationery, furniture or equipment ;

(*k*) to suggest the opening of additional schools for the sanction of the Provincial Government ;

(*l*) to recommend to the Director such modifications in the curriculum as may seem necessary to suit local requirements ;

(*m*) to advise the Provincial Government generally in respect of primary education within the district ;

(*n*) to carry on propaganda for the expansion of primary education;

(*o*) to perform such other duties and functions as may be prescribed.

(*3*) The district school board shall from time to time with the sanction of the Director make regulations not inconsistent with the provisions of this Act and the rules made thereunder for—

(*i*) laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school;

(*ii*) determining the constitution, powers and duties of the taluka advisory committees;

(*iii*) the supply of books, slates, educational requisites, milk, meals or clothes to children of any age receiving primary education, if provision for such supply is made.

Relinquishment of powers and duties.

14. (*1*) The district school board may, by a resolution passed by at least two-thirds of the whole number of members of the board, and with the consent of the District Local Board, intimate to the Provincial Government that it desires to relinquish its powers and duties excepting the duties of advising and of carrying on propaganda for the expansion of primary education.

(*2*) If, on receipt of such intimation, the Provincial Government so directs, all powers and duties of the district school board, other than those so excepted, shall from such date and for such period as may be notified by the Provincial Government in this behalf be exercised and performed on behalf of the Provincial Government in the prescribed manner.

(*3*) All primary schools with their lands, buildings, records and equipment and all other properties, moveable or immovable, which were vesting in, held by or were under the control of the district school board immediately before the date notified by the Provincial Government under sub-section (*2*) shall vest in, be held by or be under the control of the Provincial Government during the period notified under the said sub-section.

Constitution of taluka advisory committee.

15. The district school board may by a resolution recommend to the Provincial Government the establishment of taluka advisory committees for all or any of the talukas in the district to advise it in respect of primary education. On such recommendation being accepted by the Provincial Government such committees shall be constituted from a date to be notified by the Provincial Government in the *Official Gazette*. The constitution, powers and duties of the committees shall be as laid down in the regulations made by the district school board:

Provided that the Provincial Government may on its own motion or on the recommendation of the district school board supported by at least two-thirds of the whole number of members of the board by an order dissolve a taluka advisory committee from a date to be notified in the *Official Gazette*.

B. Authorized Municipalities.

Authorized municipalities to exercise powers etc. and hold properties of local authority municipalities.

16. (*1*) The Provincial Government may authorize any municipality constituted under the Bombay District Municipal Act, 1901, or under the Bombay Municipal Boroughs Act, 1925, to control all approved schools within its area. Bom. III of 1901. Bom. XVIII of 1925.

(*2*) Subject to the provisions of this Act and of the rules and regulations made thereunder, all existing and future rights, liabilities, powers and duties of any municipality, which was a local authority under the Bombay Primary Education Act, 1923, immediately before the date of the coming into force of this Act, in respect of primary school teachers and other persons employed by it for the purposes of primary education shall on such date vest in and be performed or exercised by the said municipality as an authorized municipality under this Act; and all properties, moveable and immovable, vesting in or held by or under the control of such municipality for the purposes of primary education, shall from such date continue to vest in, be held by or be under the control of the said municipality as such authorized municipality. Bom. IV of 1923.

Duties and functions of authorized municipalities.

17. (*1*) Subject to the provisions of this Act and the rules made thereunder an authorized municipality shall perform the following duties and functions, namely:—

(*a*) to make adequate provision for maintaining the existing primary schools and opening new schools wherever necessary and for granting aid to approved schools other than primary schools maintained by the Provincial Government or by a school board or by an authorized municipality;

(*b*) to provide adequate accommodation and equipment for primary schools;

(*c*) to maintain an adequate staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary;

(*d*) to make adequate provision for facilities for the free primary education of all children, to whom a scheme of compulsion applies;

(*e*) to sanction, with or without variation the budget of the municipal school board;

(*f*) to perform such other duties and functions as may be prescribed.

(2) The authorized municipality may, subject to the provisions of this Act and the rules made thereunder, also make provision for the welfare of the children attending primary schools within its area.

(3) The authorized municipality shall, subject to the sanction of the Provincial Government, make regulations—

(*i*) determining the qualifications, pay and terms of employment of the Assistant Administrative Officers, supervisors, Attendance Officers, clerks, inferior servants and other staff ;

(*ii*) regulating the administration, management and control of primary schools ;

(*iii*) determining the qualifications, pay and terms of employment of the Administrative Officer appointed by it under section 22 ;

(*iv*) for the supply of books, slates, educational requisites, milk, meals or clothes to children receiving primary education, if provision for such supply is made.

C. Municipal School Boards.

Powers, duties and functions of municipal school boards

18. (*1*) Subject to the provisions of this Act and the rules made thereunder, the municipal school board shall be responsible for the management and control of all primary schools which vest in the authorized municipality and for the control of all other approved schools within the area of the authorized municipality excepting such as are maintained by the Provincial Government ; and the board shall exercise such powers and perform such duties and functions of the authorized municipality in respect of primary education as may be prescribed.

(2) Subject to the provisions of this Act and the rules made thereunder, a municipal school board shall perform the following duties and functions, namely :—

(*a*) to prepare schemes to be submitted by the authorized municipality to the Provincial Government for expansion of primary education and to carry out the provisions of such scheme ;

(*b*) to disburse monies from the primary education fund in accordance with the budget sanctioned by the authorized municipality ;

(*c*) to perform the duties and functions specified in clauses (*f*) to (*j*) and (*l*) and (*n*) of sub-section (2) of section 13 ;

(*d*) to perform such other duties and functions as may be prescribed.

(3) The municipal school board shall, with the sanction of the Director, make regulations laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school.

CHAPTER IV.

Non-authorized municipalities.

Exercise of powers, etc., and holding of property in respect of non-authorized municipalities.

19. (*1*) Subject to the provisions of this Act and of the rules made thereunder all properties moveable and immovable vesting in, held by or under the control of any non-authorized municipality for the purpose of primary education shall vest in, be held by or be under the control of the district school board of the district in which it is situated or such authorized municipality as the Provincial Government may specify with the consent of the authorized municipality; and all existing and future rights, liabilities, powers and duties of any such non-authorized municipality in respect of primary school teachers and other persons employed by it for such purposes shall vest in and be performed or exercised under this Act and all approved schools within the area of such non-authorized municipality shall be controlled by the said district school board or the authorized municipality, as the case may be.

(*2*) The Provincial Government may, at any time by an order published in the *Official Gazette* together with the reasons therefor, direct that any authorized municipality shall, with effect from a date specified in this behalf, cease to be an authorized municipality; and with effect from such date the said municipality shall be a non-authorized municipality. The provisions of sub-section (*1*) shall thereupon apply in the case of such municipality.

(*3*) If any non-authorized municipality is at any time authorized by the Provincial Government to control all approved schools within its area, the said municipality shall thereafter be an authorized municipality. Thereupon all properties moveable or immovable vesting in, held by or under the control of a district school board or an authorized municipality for the purposes of primary education in such area shall vest in, be held by or be under the control of such first mentioned municipality; and all existing and future rights, liabilities, powers and duties in respect of primary school teachers and other persons employed by such district school board or authorized municipality for the purposes of primary education in such area shall also vest in and be performed or exercised by the said first mentioned municipality.

CHAPTER V.

Administrative Machinery.

District school board, authorised municipality to maintain adequate staff, pay, etc.

20. (*1*) Every district school board with the approval of the Provincial Government and every authorized municipality shall maintain an adequate staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, primary school teachers and inferior servants and other staff (including engineering staff), as may in the opinion of the

Provincial Government be necessary for the administration, management and control of approved schools within its area.

(2) The staff maintained under sub-section (1) shall be servants of the district school board or of the authorized municipality, as the case may be, and shall receive their pay, allowances, provident fund, gratuities and pensions from its primary education fund.

(3) The rates of the pay and allowances and terms of employment in respect of all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorized municipality shall be as fixed from time to time by the Provincial Government.

(4) The Provincial Government may from time to time prescribe the duties to be performed by the staff maintained under sub-section (1).

Administrative Officer.

21. (1) For every school board there shall be an Administrative Officer. He shall be the chief executive officer of the board; his powers and duties shall be as prescribed.

(2) The Administrative Officer shall be appointed by and shall be a servant of the Provincial Government. He shall draw his pay and allowances from the provincial revenues.

Delegation of power to appoint Administrative Officer to certain authorized municipalities.

22. (1) Notwithstanding the provisions of section 21, the Provincial Government may by notification in the *Official Gazette* delegate the power to appoint an Administrative Officer to an authorized municipality which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 for three financial years immediately preceding the date of the notification. The Administrative Officer so appointed shall be the servant of the authorized municipality and shall draw his pay, allowances, provident fund, gratuity and pension from its primary education fund.

Bom. XVIII of 1925.

(2) The appointment of such Administrative Officer shall be made after inviting and considering the suggestions, if any, of the municipal school board and with the approval of the Provincial Government. No such officer shall, save with the previous sanction of the Provincial Government, be removed from his office, reduced or suspended except by a resolution passed by at least two-thirds of the whole number of councillors of the authorized municipality.

(3) The qualifications, pay, allowances and terms of employment of such Administrative Officer shall be in accordance with the regulations framed by the authorized municipality with the sanction of the Provincial Government.

Staff selection committee.

23. (*1*) There shall be a staff selection committee for every district school board or authorized municipality.

(*2*) The staff selection committee shall consist of the Educational Inspector of the division or any other officer designated by the Director, the chairman of the school board and the Administrative Officer.

(*3*) The Administrative Officer shall act as secretary of the staff selection committee.

(4) The Committee shall select candidates for appointments as Assistant Administrative Officers, supervisors, Attendance Officers and teachers ; and in the case of district school boards, also members of the other staff excluding inferior servants. The Committee shall also select teachers to be deputed for training. The selection of candidates and teachers shall be made in accordance with the instructions issued by the Provincial Government.

(*5*) The school board or the authorized municipality or the Administrative Officer, as the case may be, shall make appointments of the candidates so selected in accordance with the directions given by the staff selection committee.

Powers of Administrative Officers over school board staff.

24. (*1*) The Administrative Officer shall have power, subject to such general instructions as may be issued from time to time by the Director, to promote, transfer and take all disciplinary action (including removal or dismissal) against the staff maintained under section 20.

(*2*) Any person aggrieved by an order of dismissal, removal, reduction or any other order involving disciplinary action made under sub-section (*1*), may submit an appeal to a tribunal consisting of the chairman of the school board and the Educational Inspector of the division. The tribunal shall follow the prescribed procedure for the disposal of its business. In the event of a difference of opinion between the members of the tribunal the appeal shall be referred to the Director whose decision shall be final :

Provided that a primary school teacher who is a guaranteed teacher on the date of the coming into force of this Act, may make a further appeal to the Provincial Government against any order of removal or dismissal.

Explanation.—A guaranteed teacher means a primary school teacher who was holding a permanent appointment as such teacher on 30th June 1923.

(*3*) An appeal under sub-section (*2*) shall be made within 30 days from the date of the order appealed against.

CHAPTER VI.

Preparation and Enforcement of the Schemes of Compulsion.

Preparation of scheme.

25. It shall be the duty of the Administrative Officer of a district school board to prepare in accordance with the directions received from the Director in this behalf a scheme to provide compulsory primary education in such area and for children of such ages and up to such standard and within such period as the Director may specify. The Administrative Officer shall obtain the comments and suggestions of the district school board upon the scheme so prepared by him and shall submit it together with such comments and suggestions, if any, to the Director who shall forward it to the Provincial Government with his remarks.

Preparation of scheme by authorized municipality.

26. (*1*) An authorized municipality may by a resolution declare its intention to provide compulsory primary education in the whole or any part of its area in the case of children of such ages and up to such standard as the municipality may decide and shall submit its proposals to the Provincial Government through the Director in the form of a scheme.

(*2*) An authorized municipality, if called upon by the Provincial Government so to do, shall within a time to be specified by the Provincial Government submit to the Director a scheme to provide compulsory primary education in such area and in the case of children of such ages and up to such standard and within such period as the Provincial Government may specify.

Particulars to be contained in scheme.

27. The scheme submitted under the two preceding sections shall be in the form prescribed and shall contain the following particulars :—

(*a*) area of compulsion ;

(*b*) the census of children of the ages to which the scheme shall apply classified by languages spoken by the children ;

(*c*) a list of existing approved schools and the schools proposed to be opened, classified by languages in which instruction is given or is proposed to be given ;

(*d*) a schedule of existing and proposed staff of Assistant Administrative Officers, supervisors, Attendance Officers, clerks, teachers and inferior servants ;

(*e*) the recurring and non-recurring cost of the scheme and in the case of a scheme submitted by an authorized municipality the resolution of the municipality agreeing

to bear its share of the additional recurring and non-recurring cost;

(*f*) if there is a non-authorized municipality within the area of compulsion, the amount of annual contribution, which the municipality according to the orders issued by the Provincial Government under sub-section (*2*) of section 41 shall make."

Sanction of Provincial Government to scheme.

28. (*1*) The Provincial Government may after such inquiry as may be necessary sanction with or without modifications the scheme submitted under section 25 or 26. The scheme so sanctioned shall come into effect from such date as may be notified by the Provincial Government in the *Official Gazette*.

(*2*) Every scheme of compulsion sanctioned under the Bombay Primary Education Act, 1923, and which is in force immediately before the coming into force of this Act shall be deemed to be a scheme sanctioned under this Act. Bom IV of 1923.

Modification, etc., of sanctioned schemes.

29. A sanctioned scheme may with the sanction of the Provincial Government be withdrawn or from time to time modified by an authorized municipality, or may by an order published with the reasons for making it in the *Official Gazette* be modified, cancelled or temporarily suspended by the Provincial Government.

Power to exempt children of particular classes.

30. The Provincial Government may by notification in the *Official Gazette* exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.

No fees to be charged in area of compulsion.

31. When a scheme has been sanctioned, no fee shall be charged within the area of compulsion in any school maintained by the district school board or the authorized municipality, as the case may be, in respect of any child for the standards included in the scheme.

Duty of parent to cause children to attend school.

32. In every area of compulsion, the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Meaning of reasonable excuse.

33. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases:—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;

(*b*) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient or has received from the school board a certificate of having already completed his primary education upto the standard included in the scheme;

(3) No magistrate, village bench or person shall take cognizance of an offence under sub-section (1) except on the complaint filed by the Administrative Officer or any other officer authorised by him in this behalf.

Penalty for employing child to whom scheme applies.

36. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 32 apply, so as to interfere with the education or instruction of such child shall, on conviction, be liable to a fine not exceeding twenty-five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Administrative Officer or any other officer authorized by him in this behalf, and before making any complaint under this section against any person the Administrative Officer or such officer shall unless such person has been previously convicted under sub-section (1) cause a warning to be given to such person.

Administrative Officer to be public servant.

37. For the purposes of sections 35 and 36 the Administrative Officer shall be deemed to be a public servant within the meaning of proviso (*aa*) to section 200 of the Code of Criminal Procedure, 1898. V of 1898.

CHAPTER VII.

Approved Schools.

Subjects, curricula, etc. of approved schools.

38. The subjects, curricula, books and standards of teaching of approved schools shall be such as may from time to time be specified by the Provincial Government.

Recognition of and grants to approved schools under private management.

39. (1) Every primary school, other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality, which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

(2) Such recognition shall be given by the school board or by the Provincial Government or by an officer authorized by it in this behalf; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

Inspection of approved schools: returns.

40. (1) Every approved school shall be open during school hours to inspection by the inspecting officers of the Provincial Government for the purpose, in particular, of ascertaining—

(*a*) whether instruction is given in accordance with the provisions of section 38;

(*b*) whether the provisions of this Act for the compulsory attendance of children are being carried out;

(*c*) whether the health of the school children is satisfactory;

(*d*) whether the instruction given is not of a pernicious nature;

(*e*) whether the registers and records are being maintained as required by the Director.

(c) where there is no approved school within the distance fixed by the school board under section 13 or 18, as the case may be;

(d) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under section 13 or 18, as the case may be, until such time as the parent is notified by the Administrative Officer that the child can be admitted;

(e) where there is no approved school in the locality in which instruction is given in the language spoken by the child;

(f) where there is no approved school in the locality to which the parent can send the child without exposing him to religious instruction to which the parent objects.

Issue of attendance order.

34. (1) Where the school board is satisfied that the parent f any child who is bound under the provisions of section 32 o cause such child to attend an approved school, has failed o do so, the school board after giving the parent an pportunity of being heard and after such inquiry as it onsiders necessary may make an order directing the parent o cause such child to attend an approved school on and from date which shall be specified in the order.

(2) This power may be delegated by the school board to ny of its members or to the Administrative Officer or other fficer of the school board.

(3) Any parent aggrieved by an order made under sub-ection (1) may, within thirty days from the date of such rder, appeal to the Educational Inspector of the division vho may confirm or rescind the order as he deems fit.

Penalty for failure to cause child to attend approved school.

35. (1) Any parent against whom an order with reference o a child has been made under sub-section (1) of section 34 nd who fails to comply with the provisions of section 32 vith respect to such child on or after the date specified in uch order shall, unless such order is rescinded in an appeal nade under sub-section (3) of the said section 34,—

(i) if he resides in a town or village where there is a magistrate, on conviction by such Magistrate; or

(ii) if he resides in a village having a panchayat, on conviction by a village bench; or

(iii) if he resides elsewhere, on conviction by a person empowered in this behalf by the District Magistrate,

e liable to a fine not exceeding two rupees and if such failure ontinues after such conviction, he shall also on conviction y such Magistrate, village bench, or person be liable o a fine of eight annas for every day that the failure continues r is repeated.

(2) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (1) of section 48 and to any officer specially deputed under this sub-section by the Director in the discharge of their duties.

CHAPTER VIII.

Financial relations between the Provincial Government and Local Bodies.

Payment to be made by district local board and non-authorized municipality.

41. (1) Every district local board shall pay over annually to the district school board for the purposes of primary education such portion of its income from its revenue described in clauses (*b*) and (*c*) of section 75 of the Bombay Local Boards Act, 1923, as the Provincial Government may from time to time fix in this behalf.

Bom. VI of 1923.

(2) Every non-authorized municipality shall pay over annually to the district school board or the authorized municipality, as the case may be, for the purposes of primary education such proportion of the rateable value of properties in the area of the municipality as may from time to time be fixed in this behalf by the Provincial Government and the income accruing from any funds (including trust funds) held, and all moneys received by it for the said purposes.

Contribution by Provincial Government.

42. (1) If a scheme submitted by an authorized municipality is sanctioned under section 28, the Provincial Government shall bear half of the additional recurring and non-recurring annual cost of the scheme so sanctioned; but the liability of the Provincial Government shall not exceed half of the said cost, as it was estimated by the authorized municipality.

(2) Nothing in this section shall affect the claim of any authorized municipality to any annual grant which at the time this Act comes into force is being paid to it as a local authority under the Bombay Primary Education Act, 1923, by the Provincial Government for the purposes of primary education :

Bom. IV of 1923.

Provided that, if the Provincial Government considers that the primary education fund of any authorized municipality has been or is about to be misused or misapplied, it may call upon such authoriz d municipality for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such authorized municipality as it may deem proper.

(3) The Provincial Government shall pay to a district school board a grant equivalent to the amount by which expenditure in accordance with the budget sanctioned under the next following section exceeds the receipts referred to in clauses (*b*) to (*d*) and (*g*) of sub-section (2) of section 44.

District school board budget.

43. The budget of the district school board shall in the prescribed manner be framed and submitted to the Provincial Government and the Provincial Government may sanction it with such modifications as it may deem fit to make therein.

Primary education fund.

44. (*1*) A fund called the primary education fund shall be maintained by every district school board and by every authorized municipality.

(*2*) The following shall form part of, or be paid into, the primary education fund :—

(*a*) the balance of the primary education fund maintained under section 8A of the Bombay Primary Education Act, 1923 ; Bom. IV of 1923.

(*b*) the contributions payable by non-authorized municipalities under sub-section (*2*) of section 41 ;

(*c*) fees and fines received in respect of primary schools maintained by the school board or the authorized municipality, as the case may be ;

(*d*) in the case of a district school board, such portion of the income of the district local board as the Provincial Government may fix under sub-section (*1*) of section 41 ;

(*e*) in the case of an authorized municipality, the grant paid or payable by the authorized municipality on account of primary education ;

(*f*) the grant paid or payable by the Provincial Government on account of primary education ;

(*g*) such other sums as may from time to time be received on account of primary education.

Explanation.—For the purposes of clause (*e*) the grant payable by an authorized municipality shall be the amount of expenditure on account of primary education in any year less the grant paid by the Provincial Government in that year, and fees and sums of money from other sources of income belonging to the fund.

Application of primary education fund.

45. (*1*) The primary education fund shall stand in the name of the school board and shall, subject to the provisions of this Act be applied for the purposes specified therein and for such other purposes as may be prescribed.

(*2*) The fund shall be maintained, administered and used in the manner prescribed.

Deposit of primary education fund.

46. (*1*) The primary education fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to have been registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the Provincial Government. Bom. VII of 1925.

(*2*) It shall be lawful for the school board to invest such portion of the primary education fund as is not likely to be immediately required in post office cash certificates or in securities of the Central Government or any Provincial Government.

(3) Every investment in Government securities shall be made through the Reserve Bank of India or any other bank approved by the Provincial Government in this behalf.

Payment of travelling allowances to chairman, vice-chairman and members of school board.

47. The chairman, vice-chairman and members of the school board may be paid allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such rates and subject to such conditions as may be prescribed.

CHAPTER IX.

Control.

Inspecting staff.

48. (1) The Provincial Government may appoint such officers (including inspecting officers) as it may deem necessary for the purposes of superintendence and inspection and generally for the purposes of giving effect to the provisions of this Act.

(2) The officers appointed under sub-section (1) shall be the servants of the Provincial Government, and their powers and duties shall be such as may be prescribed.

Inspecting officers to be present at school board meetings.

49. (1) An inspecting officer nominated by the Director in this behalf shall have the right of being present at any meeting of the school board, and with the consent of the chairman, of taking part in the discussions thereat, but he shall not be entitled to vote upon, or move any resolution, at such meeting.

Powers of supervision.

(2) The Director or Educational Inspector or any officer authorized by a general or special order of the Provincial Government may—

(a) (i) enter on and inspect any immovable property occupied for any purpose connected with primary education by a school board or authorized municipality or any educational institution under its control or management; or

(ii) cause such property or institution to be entered upon and inspected by any other person authorized by him in this behalf;

(b) call for any extract from the proceedings of any authorized municipality or school board, or of any committee appointed by any of them relating to any matter connected with primary education; or

(c) call for and inspect any book or document relating to any matter connected with primary education in the possession or under the control of an authorized municipality or school board.

Power to call for return or require explanation etc.

50. The Director may—

(*a*) call for from any authorized municipality or school board or Administrative Officer any return, statement, account or report relating to any matter connected with primary education,

(*b*) call upon an authorized municipality or school board to take into consideration any objection which appears to him to exist to the doing of anything connected with primary education which is about to be done by such municipality or board or any information furnished by him which appears to him to necessitate the doing of a certain thing by such municipality or board and to make a written reply to him within a reasonable time, stating in case of disagreement with the Director its reasons for not desisting from doing or for not doing such a thing.

Power of suspending execution of orders, etc. of school board.

51. (*1*) If, in the opinion of the Director, the execution of any order or resolution of a school board or the doing of anything which is about to be done or is being done by or on behalf of the board is in excess of the powers conferred by, or contrary to, this Act or the rules or regulations made thereunder, or is otherwise unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(*2*) When the Director makes an order under sub section (*1*), he shall forthwith forward to the board affected by it a copy of such order with a statement of the reasons for making it.

(*3*) The Director shall forthwith submit to the Provincial Government a report of every case occurring under this section and the Provincial Government may annul, confirm, revise or modify any order made therein and make in respect thereof any other order :

Provided that no order of the Director passed under this section shall be confirmed, revised or modified by the Provincial Government without giving the board reasonable opportunity of showing cause against the said order.

Default by authorized municipality.

52. (*1*) If any authorized municipality when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory primary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Provincial Government may after due inquiry appoint a person to prepare the scheme or bring it into operation or to continue to keep it in operation, as the case may be, and the expense thereof shall be paid by the authorized municipality to the Provincial Government.

(*2*) If the expense is not so paid the Provincial Government may make an order directing any person who has for the

time being custody of any moneys on behalf of the authorized municipality either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

Power of Provincial Government to provide for performance of duties on default by school board.

53. (*1*) When the Provincial Government is informed that a school board has made a default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force, the Provincial Government may, if it is satisfied after such inquiry as it may think fit, that the school board has been guilty of such default, by an order in writing direct the school board to perform the duty within a period fixed for the performance of that duty:

Provided that no such order shall be made unless the school board has been given an opportunity to show cause why such order should not be made.

(*2*) If such a duty is not performed within the period so fixed, the Provincial Government may appoint some person to perform it and may direct that the expenses of performing it with a reasonable remuneration to the person appointed to perform it shall be paid within such time as it may fix to such person by the school board or as the Provincial Government may direct.

(*3*) If the expenses and remuneration are not paid, the Provincial Government may make an order directing the officer in charge of the treasury or bank or society in which the primary education fund is kept or the whole or portion thereof is deposited or lent at interest, to pay such expense and remuneration from such moneys as may be standing to the credit of the school board in such treasury or bank or society or as may from time to time be received from or on behalf of the school board by way of deposit by such treasury or bank or society; and such officer or bank or society shall be bound to obey such order. Every payment made in pursuance to such order shall be a sufficient discharge to such officer, bank or society from all liabilities to the school board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the school board in such treasury, bank or society.

Direction by Provincial Government.

54. Notwithstanding anything contained in this Act, the Provincial Government shall have power to give to a district school board all such directions as it may consider necessary in regard to any matter connected with primary education and the district school board shall comply with such directions.

Enquiry into affairs of school board.

55. (*1*) The Provincial Government may, from time to time, cause enquiry to be made by any of its officers in regard to any authorized municipality or school board on matters connected with primary education concerning them or any matters with respect to which the sanction, approval, consent

or order of the Provincial Government is required by or under this Act.

(2) The officer holding such enquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the enquiry. V of 1908.

(3) The Provincial Government may make orders as to the costs of any enquiries made under sub-section (1) and as to the party by whom and the funds out of which they shall be paid, and such order may, on the application of the Provincial Government or of any person named therein, be executed as if it were a decree of a civil court.

Dissolution or supersession of school board in certain circumstances.

56. (1) If in the opinion of the Provincial Government a school board is not competent to perform or is not properly performing the duties imposed on it by or under this Act or the rules or regulations made thereunder or exceeds or abuses its powers, or is acting or has acted contrary to the provisions of this Act or the rules or regulations made thereunder, it may, by an order published in the *Official Gazette* with the reasons for making it either—

(a) dissolve the Board, or

(b) supersede it for a period to be specified in the order.

(2) When the school board is dissolved or superseded, the following consequences shall ensue :—

(a) all members of the board shall in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, be deemed to have vacated their offices as such members ;

(b) all powers and duties of the board shall, during the period of dissolution or supersession, be exercised and performed by such person or persons as the Provincial Government may from time to time appoint in this behalf ;

(c) the person or persons appointed under clause (b) may delegate their powers and duties to any individual or committee or sub-committee.

(3) On the issue of an order of dissolution under sub-section (1) election of members shall be held under the provisions of this Act or of the rules made thereunder on or before the date to be specified by the Provincial Government and the board shall be re-established by the election, appointment or nomination of members under the aforesaid provisions on such date as may be specified by the Provincial Government.

(4) If, after enquiry made, the Provincial Government so directs, the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may

be fixed by the Provincial Government for the re-establishment of the board.

(5) After the board is superseded it shall be re-established by election, appointment or nomination of members under the provisions of this Act or the rules made thereunder applicable thereto—

(a) if no direction has been made under sub-section (4), on the expiration of the period specified in the order of supersession under clause (b) of sub-section (1), and

(b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the school board.

Dissolution of district school board and its re-constitution on alteration of limits of district

57. (1) When during the term of office of the members of a district school board the limits of the district are on account of the formation of a new district under the Bombay Land Revenue Code, 1879, or for any other reason altered, the Provincial Government may, by order published in the *Official Gazette*, dissolve such board from a date specified in the order and direct a district school board—

Bom V of 1879

(i) to be reconstituted for the district of which the district school board has been dissolved, or

(ii) to be established for a new district which has been constituted.

The members of the district school board which has been dissolved shall vacate their offices from the date specified in the order.

(2) The district school board re-constituted or established under the provisions of sub-section (1) shall consist of such number of members elected, appointed or nominated in such manner as the Provincial Government may by order in writing direct. The chairman and vice-chairman of the district school board so reconstituted or established shall be elected in the manner provided in this Act and the rules made thereunder.

(3) The members of a district school board reconstituted or established under the provisions of sub-section (2) shall hold office for such period, not exceeding one year as the Provincial Government shall by order specify.

(4) On the expiry of the period of office of the members of a district school board under the provisions of sub-section (3), the district school board shall be constituted in the manner provided in section 4.

CHAPTER X.

Provincial Board of Primary Education.

Constitution of Provincial Board of Primary Education.

58. (1) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, of whom not more than three shall be Government officers, shall be appointed by the Provincial Government.

(2) The members of the said board shall hold office for a period of three years :

Provided that the term of office of the out-going members shall be deemed to extend to and to expire with the date on which their successors are elected or appointed, as the case may be.

(3) Any member of the said board may resign his seat at any time by giving notice thereof in writing to the president ; and such member shall be deemed to have vacated his seat as soon as the president has received his resignation.

(4) Any member of the said board who absents himself from three consecutive meetings of the board without its previous permission shall cease to be a member of the board.

(5) The Provincial Government may on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of the said board remove any member of the said board if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity :

Provided that no such member shall be so removed nor shall any resolution recommending the removal of any member be passed unless the member to whom it relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

(6) The elected members of the said board shall be persons having any of the following qualifications :—

(a) a graduate of seven years' standing of any recognised University ;

(b) a professor who has served as such for a period of five years in a college affiliated to a statutory University in the Province of Bombay ;

(c) a headmaster who has served as such for ten years in an approved school or high school recognised by the Department of Education of the Provincial Government.

(7) The said board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the board. Of the members appointed by the Provincial Government, one member selected by the Provincial Government and belonging to the Department of Education shall act as Secretary to the board.

(8) Casual vacancies during the term of the said board shall be filled for the remaining period by election or appointment as the case may be.

Powers and duties of Provincial Board.

59. The powers and duties of the said board shall be as follows, namely :—

(*a*) to examine and recommend schemes for the organization, co-ordination and expansion of primary education and for the correlation of primary education with the system of education as a whole in the Province ;

(*b*) to advise the Provincial Government generally on all matters connected with primary education ;

(*c*) to exercise such other powers and to perform such other duties as may be prescribed.

CHAPTER XI.

Miscellaneous.

Delegation of its power by Provincial Government.

60. The Provincial Government may delegate any of its powers or duties under this Act to any officer or authority subordinate to it.

Delegation by authorized municipalities and school boards of their power duties and functions.

61. (*1*) Subject to the provisions of this Act and the rules made thereunder, an authorized municipality may delegate any of its powers, duties and functions under this Act to the municipal school board ;

(*2*) (*a*) a school board may from time to time constitute committees and discontinue or alter the constitution of such committees ;

(*b*) the school board may delegate any of its powers, duties and functions to any such committee or to any member or Administrative Officer or stipendiary or any other officer of the board ; and such committee, member or officer shall conform to any instructions that may from time to time be given by the board ;

(*3*) the authorized municipality or the school board may at any time withdraw any of the powers, duties and functions so delegated.

Limitation of suits.

62. (*1*) No suit, prosecution or other legal proceeding shall be commenced against any school board or authorized municipality or a servant thereof or any person acting under the orders of the said board or municipality for anything done, or purporting to have been done in pursuance of this Act, which entitles or requires a school board, authorized municipality, member, officer, servant as such or other person so acting to exercise any powers or perform duties without giving to such school board, authorized municipality, member, officer, servant or person one month's previous notice in writing of the intended action and of the cause thereof, or after six months from the date of the act complained of.

(*2*) In the case of any such suit for damages if tender of sufficient amends shall have been made before the action

was brought, the plaintiff shall not recover more than the amount as tendered, and shall pay all costs incurred by the defendant after such tender.

Power to make rules.

63. (*1*) The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters :—

(*a*) the manner of election of the chairman, vice-chairman and the members of a school board ;

(*b*) the duties and functions of the chairman and the vice-chairman ;

(*c*) procedure for the conduct of school board's business ;

(*d*) procedure for sanctioning tenders ;

(*e*) the constitution and functions of village school committees ;

(*f*) provident funds, gratuities and pensions for the staff maintained by the district school board and for the primary school teachers maintained by an authorized municipality ;

(*g*) provision for the welfare of the children attending primary schools including provision for the care of their health, and for their physical and moral training ;

(*h*) pre-vocational courses as a part of upper primary courses ;

(*i*) regulation of the delegation of powers, duties and functions under this Act ; and

(*j*) matters to be prescribed under this Act.

(*3*) Rules made under sub-sections (*1*) and (*2*) shall be made after previous publication.

Repeal and transitory provision relating to school boards.

64. The Bombay Primary Education Act, 1923, is hereby repealed : Bom. IV of 1923.

Provided that until a new school board is constituted under section 4, any existing school board under the Bombay Primary Education Act, 1923, shall exercise all the powers and perform all the duties and functions and shall be subject to all the rights and liabilities as if it is constituted under this Act. Bom. IV of 1923.

Act to prevail over provisions of certain other Acts.

65. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the provisions relating to primary education in the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, and the Bombay Municipal Boroughs Act, 1925 Bom. III of 1901. Bom. VI of 1923. Bom. XVIII of 1925.

PRIMARY EDUCATION BILL

MG-1 BL Hb 275B—1

PRIMARY EDUCATION BILL.

(*Discussion resumed.*)

Mr. FULSINHJI B. DABHI: Sir, I was saying that, if spending of a large portion of money by Government for educational purposes is the only reason for keeping control over primary education, I for one would not have supported this Bill.

But, Sir, the second reason given by Government is, to my mind, very sound. The scheme of making education compulsory and universal is very ambitious; but if we want to make it a success in a very short time, it is absolutely necessary that there must be co-ordination and uniformity with regard to the expansion of primary education. So, on this ground, I support Government for keeping full control over primary education.

There is also another reason why I support Government, and that is from the point of view of the recognition which this Bill seeks to give to the teachers. These primary school teachers are the persons to whom we entrust the education of our children, the future citizens of free and independent India, and it is absolutely necessary that these teachers should have their dignity and self-respect maintained. I believe that if these teachers were to look to the members of the school board for their pay, allowances and many other things every time, they would not be able to maintain their dignity and self-respect. So, from this point of view also it is necessary that Government should have final control over primary education.

Sir, one real fear that is entertained by everybody with regard to the working of this Bill is that most of the Government officers in the Educational Department are of the old bureaucratic type and have no imagination. But let us hope that with the changing of times, these officers themselves will change, and that Government will appoint the right type of people in the Educational Department who will be able to set at rest the fears of those who entertain them. Let us also hope that, though real power has been given to the administrative officers and the Director of Public Instruction, they would not interfere with the work of the district school boards, unless there is gross mismanagement or maladministration. So I feel that clause 58 makes up for the disadvantage that will result by giving full power to the educational officers. Let us hope that the Provincial Board will act as a real check on the autocratic powers of the officers of the Educational Department.

Sir, having made these general remarks, I would like to make a few remarks with regard to certain clauses of this Bill in particular. Clause 4 says that persons belonging to minorities or backward communities shall be eligible for being elected as members, if they shall have passed at least the primary fourth standard examination. In my opinion, the persons who have merely passed the fourth standard examination, will not be able to do anything in the meetings of the school boards. They will simply say "yes" or "no" to what is going on there. So, in my opinion, the passing of the sixth standard examination should be laid down as the minimum qualification for these members.

I shall now turn to clause 14 which deals with the relinquishment of powers and duties by the school boards. This clause, to my mind, allows the district school boards to commit suicide in a way, if I may say so. I do not think any school board will be foolish enough to commit suicide, because the clause says that if

[Mr. Fulsinhji B. Dabhi]

a district local board voluntarily desires to relinquish its powers, it can do so in favour of the Provincial Government. I do not think such an occasion will arise, but still Government have given the school boards a rope to hang themselves with.

Then, clause 15 refers to the constitution of taluka advisory committees. There is nothing objectionable in the appointment of taluka committees, but I am of the opinion that the taluka committees will not be very useful, because there will be very few people in the taluka taking so much interest in education, and Government will not be able to get suitable persons for appointment on these taluka committees.

Again, it is said that the constitution, powers and duties of the committee shall be as laid down in the regulations made by the district school board. I do not think there are any powers which can be delegated to the taluka committees, because, as we have seen, real power does not lie with the district school board. So, the district school board has no power which can be delegated to the taluka committees. At the most, the taluka committees may be given certain duties, but there are no powers to be delegated to them. Even Government seem to be suspicious of such committees, and so they have provided that taluka advisory committees may be dissolved if a resoluion is passed by at least two-thirds of the members of the district school board recommending the dissolution of such advisory committees.

I want to offer a few remarks with regard to certain other clauses also. One of these clauses relates to the procedure with regard to the punishment of defaulters, that is, those persons who do not send their children to schools. I feel that the procedure is a very long one. The Administrative Officer has to file a complaint before some police patel or Magistrate or panchayat, and then the whole proceedings are to take place as if the parent is an accused person. The parent is then fined. I think this is a very long and cumbersome procedure. I am of the opinion that if parents do not send their children to school even after being ordered to do so by the school board under clause 34, then the Administrative Officer or some other officer of Government must be given powers to punish these parents. This procedure of calling a person before the court, conducting proceedings against him and then punishing him, is to my mind, very cumbersome and is not good. My suggestion to Government is that they should do away with this long process.

Then, Sir, I am against clause 49 which gives powers to inspecting officers to remain present at school board meetings. So much power has been retained by Government in this Bill that I think it is quite unnecessary for Government to retain for their inspecting officers the right of being present at a meeting of a school board. I am of the opinion that the presence of these officers at the meetings of the school boards would have a damping effect upon the members, and they will not be able to give expression to their frank opinions. Perhaps, these officers who attend the meetings of the school board will be acting as a sort of detectives. I quite approve of the other powers that Government have taken for themselves under this Bill, but I am of the opinion that this right of being present at the meetings of the school boards should not be given to the inspecting officers of Government.

[Mr. Fulsinhji B. Dabhi]

Sir, with these few remarks, I wholeheartedly support the first reading of this Bill, which, I hope, when passed into law, will be so successfully worked that in a few years it will kindle the light of knowledge in the hearts of lakhs of our countrymen and will lead them to real freedom which is the object of all true education—सा विद्या या विमुक्तये ।

Mr. K. D. PATIL (Satara South) : अध्यक्षमहाराज, आतांपर्यंत जे कायदे पास झाले त्या सर्वांचा हेतु शेतकरी व कामकरी यांच्या जीवनांत आमूलाग्र फरक करून त्यांचें जीवन सुखदायी करण्याचा होता. कूळ कायदा, सावकार—नियंत्रण कायदा आदि सर्व कायद्यांचा हा हेतु यशस्वी होत आहे हें आज आपण प्रत्यक्ष पहात आहोंत. आज आपल्या सभागृहापुढें जें बिल आलें आहे त्याचाहि हेतु तोच आहे. शेतकऱ्यांच्या दुःखांचें मूळ कारण त्यांचें अज्ञान आहे हें सर्वांना माहीत आहे. त्या अज्ञानाचा फायदा घेऊन आजपर्यंत त्यांना सावकार, जमीनदार, व्यापारी आणि सरकारी नोकर यांनीं लुबाडलें आणि त्यांचें आधींच असलेलें हलाखीचें जीवन अधिक त्रासदायक केलें. हें त्यांचें असलेलें अज्ञान नाहींसें करण्याच्या हेतूनेंच आजचे हें बिल सरकारनें आणलें आहे. या बिलामुळें त्या वर्गांना सक्तीचें शिक्षण दिलें जाणार आहे. या बिलाची अंमलबजावणी चांगल्याप्रकारें झाली तर त्यांना बरें कोणतें, वाईट कोणतें, आपलें हित अथवा अहित कशांत आहे हें समजेल व त्यांच्यावर अज्ञानामुळें येणारीं अरिष्टें टळतील. म्हणून हें बिल आणल्याबद्दल नामदार पंतप्रधानांचें मी अभिनंदन करतों.

या बिलाचा उहापोह सुरू झाल्यापासून कांहीं सन्माननीय सभासदांनीं त्यांत असलेल्या तरतुदींवर आक्षेप घेतले व त्याबद्दल मला थोडेसें बोलावयाचें आहे. पहिला आक्षेप असा घेण्यांत आला आणि तो सन्माननीय सभासद श्री. करंदीकर आणि श्री. घोरपडे यांनीं घेतला कीं, या बिलांत लोकांच्या शिक्षणाला वाव नाहीं. त्यांच्या मताप्रमाणें हा शिक्षणाचा कार्यक्रम यशस्वीरितीनें पार पाडावयाचा असेल तर त्या कारभारांत लोकशाहीला वाव असतां कामा नये. सर्व सत्ता केंद्रीभूत करून लोकांना शिक्षण दिलें पाहिजे असें ते म्हणाले. त्याचप्रमाणें दुसरें असें एक विधान करण्यांत आलें कीं, नामदार पंतप्रधानांनीं आपल्या नेहमींच्या स्वभावाला अनुसरून लोकप्रियतेला बाध येऊं नये म्हणून हें बिल तडजोडीच्या भूमिकेवरून तयार केलें आहे. मला असें सांगावयाचें आहे कीं, हीं दोन्हीं विधानें साफ चुकीचीं आहेत. कारण या प्रश्नाचा विचार करतांना पहिल्या प्रथम लोकशाही आपल्याला मान्य आहे किंवा नाहीं हें अगोदर ठरविलें पाहिजे. लोकशाही जर मान्य असेल तर ती ठराविक एका क्षेत्रांत मान्य आहे आणि इतर क्षेत्रांत नाहीं असें म्हणतां येणार नाहीं. मग तें क्षेत्र शिक्षणाचें असो किंवा दुसरें कसलेंहि असो. एकदां लोकशाही मान्य केल्यानंतर ती शिक्षणक्षेत्रांत मात्र वावडी होईल असें मला वाटत नाहीं.

लोकप्रियतेला भिवून हें बिल आणलें आहे हें विधान साफ चुकीचें आहे. मी ज्या भागांतून निवडून आलों आहे तेथील लोकमत या बिलांत प्रतिबिंबित झालें आहे असें मला वाटत नाहीं. लोकांच्या भावना पाहिल्या तर आपल्याला असें दिसून येतें कीं, स्थानिक

[Mr. K. D. Patil]

स्वराज्य संस्थांना अधिक हक्क देण्यांत यावेत, जादा अधिकार देण्यांत यावेत, अशा प्रकारचें लोकमत दिसतें आणि या बिलांत त्या संस्थांना अधिक अधिकार दिले आहेत असेंहि दिसून येतें. या बिलाचें कलम १३ पाहिलें तर त्यांत या संस्थांना कोणकोणत्या प्रकारचे अधिकार देण्यांत आले आहेत याचा निर्देश करण्यांत आला आहे. असें असतांना सन्माननीय सभासदांनीं या गोष्टीचा विनाकारण बाऊ करून हे अधिकार त्यांना दिल्यामुळें शिक्षणाची गति ज्या प्रमाणांत व्हावयास पाहिजे तशी होणार नाहीं अशी भीती त्यांनीं व्यक्त केली आहे. मला असें म्हणावयाचें आहे कीं, ही भीति व्यक्त करण्यापूर्वी हे जे अधिकार या संस्थांना देण्यांत आले आहेत व त्यांच्यावर जीं बंधनें घालण्यांत आलीं आहेत तीं त्यांनीं सरकारनें पाहिली असतीं तर बरें झालें असतें. नोकरवर्ग किती असावा, शाळा सकाळीं भरवाव्यात किंवा दुपारीं भरवाव्यात, त्या एकवेळ असाव्यात कीं दोन वेळ असाव्यात व शाळेपासून मुलांची रहातीं घरें किती दूर अथवा जवळ असावींत असले अधिकार देण्यांत आले आहेत. याशिवाय फळे, खुर्च्या, पाट्या व पेन्सिली वगैरे जें सामान शाळेंत लागतें यावर नियंत्रण ठेवण्याचाहि अधिकार त्यांना आहे. पण हे अधिकार स्कूल बोर्डाला वापरतां कितपत येतात हा मुख्य प्रश्न आहे. याची कल्पना स्कूलबोर्डाची एकंदर कॉन्स्टिट्यूशन पाहिली म्हणजे समजून येण्याजोगी आहे. स्कूल-बोर्डाचे एकंदर १२ किंवा १६ मेंबर असतात त्यांपकीं दोन तीन मेंबर सरकारनें नेमलेले असतात. या नेमलेल्या मेंबरांपैकीं एक ऑफिसर म्हणून राहणार आहे. आज स्कूलबोर्डाची परिस्थिति पाहिली म्हणजे आपल्याला साध्या गोष्टीसाठीं किती मनधरणी करावी लागते याचा अनुभव पुष्कळांना आहे. आतां या लोकांची निवडणूक करतांना हे सरकारनें नेमलेले तीन अधिकारी तेथें बसणार आहेत म्हणजे सर्व निवडणूक या तीन लोकांवर अवलंबून राहणार आहे.

ही निवडणूक झाल्यानंतर १३-डी या कलमाप्रमाणें पुरेसा नोकरवर्ग नेमण्याचा अधिकार देण्यांत आला आहे. पण याला अधिकार म्हणतां येईल किंवा नाहीं याबद्दल मला शंका आहे. कारण हे जे लोक निवडून येणार ते सिलेक्शन कमिटीतकें येणार असून या कमिटीचा चेअरमन एज्युकेशन इन्स्पेक्टर किंवा असाच कोणीतरी दुसरा अधिकारी राहणार आहे. दुसरा ॲडमिनिस्ट्रेटिव्ह ऑफिसर सेक्रेटरी राहणार आहे. तेव्हां अशा परिस्थितींत स्कूलबोर्डाच्या चेअरमनला कितपत अधिकार राहणार आहत ही शंकाच आहे. जे शिपाई नेमले जातील त्यांच्यावरहि हुकमत ॲडमिनिस्ट्रेटिव्ह ऑफिसरचो राहणार आहे. स्कूल-बोर्डाची मीटिंग ज्या हॉलमध्यें भरते त्या हॉलचें फुड्डप मी काढणार नाहीं असें जरी एखाद्या शिपायानें चेअरमनला सांगितलें तरी त्या शिपायाला नोकरीवरून खालीं करण्याचा अथवा अशींच कांहीं दुसरी शिक्षा करण्याचा अधिकार चेअरमनला नाहीं, तो ॲडमिनिस्ट्रेटिव्ह ऑफिसरला आहे. तेव्हां आधींच अधिकार दिलेले आहेत ते मामुली स्वरूपाचे आहेत व तेहि कँट्रोलखाली पुन्हा काढून घेतले आहेत.

[Mr. K. D. Patil]

त्याच्यापुढें गेलें तर १४ वें कलमहि एकप्रकारें अपमानकारक आहे असेंच दिसून येईल. या कलमाप्रमाणें चेअरमनला दिलेले अधिकार त्याच्याकडून काढून पुन्हां ॲडमिनिस्ट्रेटिव्ह ऑफिसरला देण्याची तरतूद करण्यात आली आहे. याबाबतींत मला असें म्हणायचें आहे कीं, स्कूलबोर्डाला अधिकार द्यावयाचे किंवा नाहीं हें अगोदर ठरविलें पाहिजे. द्यावयाचें ठरलें तर त्या स्थानिक संस्थांचा अपमान करणारे अधिकार देण्यांत येऊं नयेत. ओतां या बिलाप्रमाणें स्कूलबोर्डाला जे अधिकार दिले आहेत ते पहिले म्हणजे जी कमिटी नेमावयाची आहे तिला कितपत सहकार्य मिळेल याबद्दल शंकाच वाटते. एवढ्यावरहि भागलं नाहीं म्हणून स्कूलबोर्डाला कांहीं विशिष्ट परिस्थितींत आपलें काम स्थगित करून राजीनामा देण्याचीहि व्यवस्था करण्यांत आली आहे व तें काम ॲडमिनिस्ट्रेटिव्ह ऑफिसर अथवा सरकार त्याबाबतींत ज्या अधिकाऱ्यांची नेमणूक करील त्या अधिकाऱ्यानें पहावयायें आहे. ही तरतूद अत्यंत अपमानास्पद आहे असें माझें मत आहे. शिक्षणाचें काम स्थानिक स्वराज्य संस्थांना करावयास सांगितल्यानंतर त्यांच्यावर विश्वास न ठेवतां अशातऱ्हेच्या अपमानास्पद तरतुदी करणें योग्य नाहीं असें मला वाटतें.

असें असतांनासुद्धां कांहीं सन्माननीय सभासदांनीं या संस्थांना जास्त अधिकार दिल्यामुळें प्राथमिक शिक्षणाची वाढ होण्यास बाध येईल अशी भीति व्यक्त केली ही आश्चर्याची गोष्ट आहे. त्यांच्या एका म्हणण्याशीं मी सहमत आहे कीं, सरकारला जर या संस्थांना अधिकार द्यावयाचे नसतील तर देऊं नका पण जर अधिकार द्यावयाचे असतील तर त्यामुळें त्यांची लायकी कमी होतां कामा नये. लोकलबोर्डावर मेंबर निवडून देतांना जनतेनें त्याना कांहीं एका भावनेनें निवडून दिलेलें असतें पण निवडून आल्यानंतर त्यांना इतर महत्त्वाच्या बाबतींत तर राहिलेंच पण कपाटें, खुर्च्या वगैरे वस्तूंवरहि जर अधिकार नसेल तर तेथें निवडून जाऊन त्यांचा काय उपयोग होणार? एकाद्या संस्थानाचें संरक्षण करण्यासाठीं संस्थानिकानें स्वतःचा खर्च करून सैन्य ठेवावयाचें आणि त्याची मालकी मात्र ब्रिटिश सरकारची असावयाची ही जी परिस्थिति आपण इतके दिवस पहात होतों तीच परिस्थिति या स्कूलबोर्डाच्या लोकांची आहे. सर्व नोकर नेमणें, काढणें व त्यांच्यावर इतर सर्व ताबा ॲडमिनिस्ट्रेटिव्ह ऑफिसरचा अथवा एज्युकेशनल इन्स्पेक्टरचा व साध्या शिपायावरसुद्धां सभासदांचा ताबा नाहीं अशा परिस्थितीपेक्षां त्या संस्था अजिबात नष्ट केल्या तरी हरकत नाहीं. अशा रितीनें लोक निवडून दिलेले असतांना त्यांचे अधिकार काढून ते ॲडमिनिस्ट्रेटिव्ह ऑफिसरला किंवा एज्युकेशनल इन्स्पेक्टरसारख्या अधिकाऱ्यांच्या हातीं द्यावयाला त्यांनीं कांहीं शिक्षणाचें काम करण्यासाठीं रामाचे अवतार घेतलेले नाहींत. या ॲडमिनिस्ट्रेटिव्ह ऑफिसरनीं आतांपर्यंत केलेले अनेक घोटाळे पुष्कळांना माहीत आहेत. अशा परिस्थितींत स्कूलबोर्डें आणि डिस्ट्रिक्ट बोर्ड यांवर विनाकारण शिंतोडे उडविणें बरोबर होणार नाहीं. आपण आंखलेलें शिक्षणाचें कार्य या संस्था योग्य रितीनें करूं शकणार नाहींत असें जर वाटत असेल तर या दोन्हीं संस्था अजिबात नष्ट करून टाका. कोणीहि मनुष्य या संस्थांमध्यें जातांना मी मेंबर होणार अथवा चेअरमन होणार या मोहाला बळी पडतो पण

[Mr. K. D. Patil]

प्रत्यक्ष परिस्थिति अशी होते कीं, त्याला तेथें आपली कर्तबगारी दाखविण्यास कार्यक्षेत्रच नसतें व अधिकारहि नसतात. त्याला जर कांहीं कार्यक्षेत्र असलें तर त्याला जो कांहीं चार दोन रुपये मला अ.तो त्याचें बिल करावयाचें एवढेंच. माझें म्हणणें असें कीं, अशी परिस्थिति माझ्यें इष्ट नाहीं. ज्या हेतूनें हें बिल आणलें गेलें आहे त्याकडे दुर्लक्ष होऊं नये. ज्या मार्गानें हा हेतु सफल होईल त्या मार्गाचा अवलंब करावा. या बिलाचा हेतु सक्तीचें प्राथमिक शिक्षण करण्याचा आहे याची मला जाणीव असल्यामुळें त्याला पाठिंबा देण्यासाठीं मी उभा राहिलों होतों व बिलाला कोणी विरोध करील असें मला वाटत नाहीं. आज आपणाला शिक्षणाची फार जरूरी आहे. आपला समाज फार मागासलेला आहे त्याला सज्ञान केल्याशिवाय आपणांला आपल्या समाजाची व त्याचबरोबर राष्ट्राची प्रगति करतां येणार नाहीं हा गोष्ट लक्षांत घेऊन या बिलांत ठरविल्याप्रमाणें आपली शिक्षणाची ही योजना दहा वर्षांत पुरी करण्याचा प्रत्येकानें प्रयत्न करावा एवढें सांगून मी आपलें भाषण पुरें करतों.

Prof. E. P. KUVEL (Thana *cum* Bombay Suburban District): Mr. Speaker, Sir, I rise to support the first reading of the Bombay Primary Education Bill, 1947. To appreciate the merits and importance of the legislation that is before the House, we must know something about the past history of education in this country, and particularly in this province. From ancient times right up to the advent of the British rule in India, education was left to private initiative, private enterprise and private effort. Education then lacked one thing, and that was that it did not receive State support. But towards the beginning of the British rule there was a change in this direction. When the East India Company's charter was renewed in 1793, the British Parliament imposed a condition on the company that it should spend annually a sum of one lakh of rupees for the education of the natives. And this sum was annually spent for some time for aiding and encouraging indigenous education. Very soon a section of the people began to complain that indigenous education was unproductive—they wanted English education to get jobs in the administration of the East India Company—while there was another section, and I should say an orthodox section, which upheld the merits of the indigenous education. So, there was a sort of controversy; that is, indigenous education *versus* English education. The controversy reached such a high pitch that Lord William Bentick, the then Governor-General of India, had to appoint a committee under the presidentship of Lord Macaulay to settle this controversy once for all. Lord Macaulay gave his verdict in favour of English education, which verdict is known in history as Macaulay's Minute. Soon after this, Government began to encourage English education, as a result of which primary education came to be neglected. Government became aware of this, and so, during the administration of Lord Dalhousie, one of the Government officers by name Sir Charles Wood, who was entrusted with the work of devising ways and means for encouraging primary education, made a suggestion that the people must be made to pay a tax known as Education tax, along with land revenue. This suggestion was accepted by Government; but then the Education tax was found to be insufficient to meet all the demands and requirements of primary education. So, during the viceroyalty of Lord Ripon, a commission known as the Hunter Commission was appointed to suggest ways and means for encouraging education, and particularly primary education. One of the recommendations of the Hunter Commission was that aportion of the provincial revenue should be set apart for the promotion of primary

[Prof. E. P. Kuvel]

education. This recommendation was accepted, and the arrangements made in the light of this recommendation were somewhat satisfactory up to the publication of the Montagu-Chelmsford Report, 1919. It was at this time, that Education became a transferred subject. So, the Bombay Legislative Council then passed an Act, know as the Primary Education Act, 1923, whereby the management of primary education was handed over to local bodies known as school boards created for this purpose. But very soon the administration of the school boards became inefficient. Jobbery, nepotism, and rank communalism crept into the administration of these bodies to such an extent that Government had to amend this Act in 1938 to remove some of the glaring defects of the Act and to purify the administration of the school boards. Under the amended Act the administrative officer, who was till then a servant of the district local boards or the local authority municipalities, was made a Government servant to enable him to exercise independent judgment in the performance of his duties. Even the amended Act is now found not to be potent enough to meet the exigencies of the changing times. So, it has been found necessary to repeal that Act and to enact an altogether new legislation to make provision for the introduction, control, management, and even enforcement of primary education and to pay higher salaries to the teachers.

Having said so much, I shall now examine the board features of the new legislation. The district school boards will now be free from the control of the district local boards. The position of the district local boards will be that of the non-local authority municipalities of the old Act or the non-authorised municipalities of the present legislation. This is done because the district local boards will now be made to pay a fixed sum of money to the district school boards and the remaining expenditure will be borne by Government. Then, the district school boards will be empowered to pass their own budget and to appoint assistant administrative officers, the teaching staff and also an engineering staff. To enable the district school boards to appoint the right type of persons there will be a Staff Selection Committee. Under this legislation Government reserves the right to appoint a few members on the district school boards. Higher qualifications have been prescribed for persons seeking elections to the district school boards. Minorities and backward classes have been given due weightage and fair representation on the school boards. Detailed provision has been made for the introduction, contron management and even enforcement of free and compulsory primary educatioin. Then, there will be taluka advisory committees to help the school boards in the matter of education. The duties of school boards have been increased. I hope this legislation will go a long way in allaying the prevailing discontent in respect of the management of primary education.

Before I resume my seat, Sir, I should like to make two or three suggestions. I think the chairman of a school board should have the right of general supervision over the school work.

My second recommendation is that the Staff Selectior Committee should be given an additional power of selecting teacher candidates for being deputed to training colleges.

My third suggestion is that the election of the district school board should be taluka-wise and not community-wise, as it is at present.

With these words, I resume my seat.

Mrs. KHADIJA SHUFFI TAYEBJI (Bombay City):

مسز خدیجہ شفیع طیب جی :۔ محترم صدر صاحب! میں اس لازمی ابتدائی تعلیم کے بالکل موافقت میں ہوں۔ واقعی ۶ سے ۱۱ سال تک کے بچوں اور بچیوں کو جبری طور پر تعلیم دلانا چاہئے۔ جنابعالی ہر وہ سرپرست اور والدین جن کی سرپرستی میں لازمی تعلیمی عمر کے بچے ہوں۔ ان کو چاہئے کہ وہ ان بچوں کو منظور شدہ مدرسوں میں داخل کردیں۔

یہاں یہ عرض کرنا بیجا نہ ہوگا کہ گذشتہ ۵۰ سال سے یہ جد و جہد جاری ہے مگر ابھی تک اس کے اوپر پورے طور پر عمل درآمد نہیں ہوا۔

سنہ ۱۹۰۲ع میں سر ابراہیم رحمت اللہ صاحب نے بمبئی کی لیجسلیٹو کاؤنسل میں شہر بمبئی میں مفت و جبری تعلیم کے اجرا کے لئے تجویز پیش کی تھی۔ مگر وہ نامنظور کی گئی۔ پھر اور ۲ مرتبہ انہوں نے اس امر کی کوشش کی۔ آخرش سنہ ۱۹۰۵ع میں سر ابراہیم رحمت اللہ نے بمبئی میونسپل کارپوریشن کے ماتحت شہر بمبئی میں ابتدائی تعلیم کو پھیلانے کی گورنمنٹ سے درخواست کی اور تحریک کی کہ اس کے لئے ایک کمیٹی کا تقرر کیا جائے، جو منظور ہوئی۔

سنہ ۱۹۰۶ع میں بڑودہ میں مفت اور جبری تعلیم کا قانون جاری کردیا گیا تب بمبئی گورنمنٹ نے کارپوریشن کی سفارش کے مطابق ایک بااثر اراکین کی کمیٹی شہر میں ابتدائی تعلیم کے چلانیکا خاکہ تیار کرنے کے لئے مقرر کی۔ سنہ ۱۹۰۹ع میں افسوس ہے کہ کمیٹی مذکور کی اکثریت مفت و جبری تعلیم کو چلانے کے خلاف گئی۔ صرف ایک ممبر سر جمن لال سیتلواد جو اس زمانے میں اسکولز کمیٹی کے چیئرمین تھے، اڑ رہے کہ مفت اور جبری تعلیم کو فوراً جاری کرو۔ حاصل کلام پولیس جارجیز ایکٹ کی رو سے اس تعلیم کی ذمہ داری بمبئی گورنمنٹ نے بمبئی کارپوریشن پر ڈال دی۔ اور اپنی جانب سے اسکولز کمیٹی کی نامزدگی اور گرانٹ بھی بند کردی اور کمیٹی کی رپورٹ کو گورنمنٹ نے کارپوریشن کے پاس دوبارہ غور کرنے کے لئے بھیج دی۔

[Mrs. Khadija Shuffi Tayebji]

سنہ ۱۹۱۷ع میں آنریبل مسٹر گوکھلے نے ہندوستان کی سینٹرل لیجسلیٹو اسمبلی میں مفت اور جبری تعلیم کی تجویز پیش کی مگر وہ نامنظور نہ ہوئی۔ سنہ ۱۹۱۱ع میں آنریبل مسٹر گوکھلے نے اپنا مشہور بل لیجسلیٹو اسمبلی میں پیش کیا۔ مگر وہ رد ہوا۔ اور دوران بحث میں ایجوکیشن سکریٹری نے یہ کہکر ٹال دیا کہ ہر صوبہ اپنے اپنے علاقوں میں جہاں جہاں مناسب سمجھے حالات کے مطابق جبری تعلیم کا نفاذ کرے۔

اب وہ وقت شروع ہوتا ہے کہ صوبہ وار ابتدائی جبری تعلیم کی کوشش ہونے لگیں۔ سنہ ۱۹۱۷ع میں بمبئی کارپوریشن نے ایک ۱۰ سال کا خاکہ گورنمنٹ کی اجازت سے منظور کیا۔ کہ سنہ ۱۹۲۵ع سے سنہ ۱۹۲۸ع تک سارے شہر میں مفت اور جبری تعلیم ہوجائے۔ مگر مایوسی کا منہ دیکھنا پڑا۔ سنہ ۱۹۱۸ع میں اکثر صوبوں میں مفت اور جبری ابتدائی تعلیم کا قانون وجود میں آیا۔ صوبہ بمبئی کی کاؤنسل میں مسٹر وٹھل بھائی پٹیل کی جدوجہد سے بمبئی پرائمری ایجوکیشن ایکٹ پاس ہوا جس کی بنا پر میونسپالٹیوں کو اپنے حدود میں جبری تعلیم کی اجازت دی گئی۔ مگر بدقسمتی سے بمبئی شہر پھر بھی علیحدہ رکھا گیا۔

سنہ ۱۹۰۲ع میں جب سورت اور باندرہ میں جبری تعلیم جاری کردی گئی۔ تو کارپوریشن نے شہر میں مفت اور لازمی تعلیم جاری کرنے کے لئے قانوناً اجازت طلب کی۔ حالانکہ ۱۰ سالہ منصوبے پر عمل ہورہا تھا۔ جو کامیاب نہیں ہوا۔

سنہ ۱۹۲۱ع کے بعد جب کہ اف اور جی وارڈ میں اس تعلیم کو لازمی قرار دینا ناکامیاب ہوا۔ گورنمنٹ نے چند اورکر کمیٹی کا تقرر کیا۔ دوسری نومبر سنہ ۱۹۲۵ع سے جی وارڈ میں ابتدائی تعلیم جبری کردی گئی مگر مسلم لڑکیوں کو اس میں بدقسمتی سے شامل نہ کیا گیا۔ یکم اپریل سنہ ۱۹۲۶ع سے باقی ماندہ شہر میں میونسپل ابتدائی تعلیم مفت کردی گئی۔

[Mrs. Khatija Shuffi Tayebji]

یکم اگست سنہ ۱۹۲۹ع سے شکر خدا کا کہ ۶ سے ۱۰ سال تک کی مسلم لڑکیوں کے لئے اف اور جی وارڈ میں لازمی تعلیم کی گئی سنہ ۱۹۳۹ع میں مسلم لڑکیوں کے لئے لڑکوں کی طرح ۱۱ سال کی عمر تک پابندی لگائی گئی۔

سنہ ۱۹۲۰ع میں تمام بمبئی شہر میں ۶ سے ۱۱ سال تک کے لڑکے اور لڑکیوں کے لئے ابتدائی تعلیم مفت اور لازمی قرار دی گئی آپ نے ملاحظہ فرمایا کہ قانون نافذ ہونے کے پورے ۲۰ سال اس تحریک پر عمل درآمد ہوا۔ اور اب تک وہ جس قدر کامیاب یا ناکامیاب ہوئی آپکی نگاہوں سے دور نہیں۔ مجھے یہاں یہ عرض کرنا ہے کہ اگر محض قانون ہی پاس کرنا ہے اور عمل کے اوپر دھیان نہیں دینا ہے تو یہ نمائش فضول ہے۔

آج بھی لاکھوں بچے ایسے ہیں جو کسی مدرسہ میں نہیں جاتے ہیں اور اگر مدرسوں میں جاتے ہیں تو انہیں بیٹھنے کے لئے مکانوں کی قلت کی وجہ سے جگہ تک نہیں ملتی۔ میں تو یہاں تک ثبوت کے ساتھ کہہ سکتی ہوں کہ اکثر اسکولوں میں پوری تعداد ٹیچروں تک کی نہیں ہے۔ اور پیسوں کی کمی نے تو پڑھائی کا اس حد تک نقصان کیا ہے کہ اکثر مجبوراً ہمیں بچوں کو مہنگی تعلیم دینا پڑرہی ہے۔ تو میں وزیر تعلیما، آنریبل جناب کھیر صاحب کو جہاں مبارکباد دیتی ہوں کہ ان کے سر سہرا ہے کہ انہوں نے تمام بمبئی شہر میں سنہ ۱۹۲۰ع میں جبری تعلیم جاری کردی اور اب تمام صوبے میں ایسے قانون جاری کررہے ہیں جس سے صاف ظاہر ہوتا ہے کہ وہ اپنے فرض کو پہچانتے ہیں۔ اور تعلیمی معاملات میں واقعی بیحد دلچسپی لیتے ہیں اور مجھے امید ہے کہ وہ ضرور ہمارے صوبے کو علم کی روشنی سے مالامال کردینگے۔ وہاں میں ان سے درخواست کرونگی کہ وہ مالی مشکلات کو بھی سوچ لیں اور پورے طور پر بچوں کے لئے جگہ اور ماسٹر دیکر تعلیمی سامان کا بندوبست کریں۔ یہ کھلی ہوئی حقیقت ہے کہ عام طور پر صوبہ بمبئی کی لوکل بورڈ اور میونسپلٹیاں اس کام کو پیسہ کی کمی کی وجہ سے پورے طور پر انجام نہیں دے سکتی ہیں لہذا یہ

[Mrs. Khatija Shuffi Tayebji]

گورنمنٹ کا فرض ہوگا کہ وہ دل کھول کر اس تحریک پر پیسہ خرچ کرے۔ کیونکہ اس سے ہماری آئندہ نسلوں کی ترقی کا دارومدار ہے۔ چنانچہ میں اس بل کو پورے طور پر سپورٹ کرتی ہوں اور وزیر تعلیمات آنریبل کھیر صاحب کو میری دلی مبارکباد پیش کرتی ہوں۔

Mr. CHHOTALAL A. VYAS (Kaira District): અધ્યક્ષ મહાશય, માનનીય વડા પ્રધાને આ પ્રાથમિક કેળવણીનું બીલ સભા સમક્ષ રજુ કર્યું છે તેને હું ટેકો આપું છું.

ફરજિયાત કેળવણીની વાત જ્યારે આપણે કરીએ છીએ ત્યારે આપણને ત્રણ મરહુમ વ્યક્તિઓ યાદ આવે છે (૧) કૈલાસવાસી મહારાજા શ્રી. સયાજીરાવ ગાયકવાડ, (૨) કે. ગોપાળ કૃષ્ણ ગોખલે અને (૩) કે. વિઠ્ઠલભાઈ પટેલ. આપણને છેક ૧૮૮૯ની સાલમાં જવું પડશે. તે વરસમાં મહારાજા શ્રી. સયાજીરાવ ગાયકવાડે અમરેલી તાલુકાની અંદર આવેલાં અમરેલી અને નવા ગામની અંદર કેળવણી ફરજિયાત કરવાને પ્રથમ હિંમત કરી તે આગળ ભાષણમાં તેઓ બોલ્યા હતા કે:

"I have no hesitation in saying that we cannot do better than educate our subjects. This is absolutely necessary for the realisation of my ambitions and wishes for the future of my people."

એજ રીતે કે. ગોખલે સાહેબે અને કે. વિઠ્ઠલભાઈ સાહેબે ધારાસભામાં અને ધારાસભાની બહાર આ બાબતમાં કુનેશ ઉઠાવી હતી. આ ત્રણ વ્યક્તિઓનું સ્મરણ કરીને આ બીલના સંબંધમાં મારા વિચારો જણાવીશ.

સૌથી પહેલાં તો આવા સુંદર સમન્વયવાળું આ બીલ રજુ કરવા માટે નામદાર વડા પ્રધાનને હું મુબારકબાદી આપું છું. હું ધણોજ આશ્ચર્ય પામ્યો કે તેઓ આ બિલમાં આટલો બધો સુંદર સમન્વય કરી શક્યા છતાં તેમણે કબુલ કર્યું કે તેમાં તેમણે સમાધાન કર્યું છે એટલા પરથી કેટલાક સભ્યો અકળાઈ ગયા છે. સમાધાન ઘણાં પક્ષો વચ્ચે થાય છે અને ઘણી વખતે આપણે મન સાથે પણ આપણે સમાધાન કરીએ છીએ. આપણા મનમાં આપણા વિચારોની ગડમથલ થાય છે અને તેથી તેના સાથે પણ આપણે સમાધાન કરવું પડે છે. નામદાર સભ્ય શ્રી. કરંડીકર સોગંદ લેતી વખતે આ સભા સમક્ષ કહ્યું હતું કે તેમના મનમાં સોગંદ લેવા કે નહિ તે બાબતમાં ગડભાંજ હોવાથી તેમણે પ્રાર્થનાથી તેમના મનનું સમાધાન કરીને સોગંદ લેવામાં તકરી કર્યું હતું. ઘણીવાર આપણને ઘરમાં કે બહાર અને આપણા પોતાના મનની સાથે પણ સમાધાન કરવું પડે છે માટે સમાધાન શબ્દની સાથે વિરોધ કરવાનું કારણ નથી. નામદાર વડા પ્રધાને પણ કહ્યું છે કે તેમણે આ બિલમાં સમાધાન કર્યું છે પણ સમાધાન શબ્દથી ડરીવા જેવું નથી. હું આને સમાધાન નહિ પણ સમન્વય કહું છું. જુદા જુદા પક્ષો વચ્ચેના અંતરોને ધ્યાનમાં લઈએ તો આ બિલમાં જે જે ચીજો હોવી જોઈએ તે બધીનો તેમાં તેમણે સમન્વય કરી લીધો છે અને કોઈને પણ તેમાંથી બાકાત રાખ્યા સિવાય બધાને સંતોષ આપ્યો છે. આ બિલમાં ૧૪મી કલમ આમેજ કરી છે તે ઘણી સારી વાત થઈ છે. ત્યાર પછી નામદાર સભ્યો શ્રી. દોભી અને શ્રી. પાટીલે તેના સંબંધમાં જે કંઈ કહ્યું તેથી હું આશ્ચર્ય પામ્યો. હું માનતો હતો કે ૧૪મી કલમ સુંદર રીતે મુકવામાં આવી છે અને મને લાગે છે કે તે મુકવા માટે નામદાર વડા પ્રધાનને મુખ્ય કારણ હતું

otalal A. Vyas]

કેળવણીનો કાયદો થયો તે વખતે ૧૯૨૩માં કાયદામાં જે સત્તા હતી તેમાંથી કેટલીક લીધી એવા આશયથી જે ઝુંબેશ અને ચડભડ ચાલ્યા હતા તેમાંથી લોકલ ઓથોરીટી હતી તે ૧૯૩૮ના રિપોર્ટમાંથી વાંચું છું.

the heat of the moment, some local authorities have gone to the extent of asking ent to abolish school boards mainly on the plea that these bodies have been deprived deal of their powers. When, however, the boards have had time to think over the alrdly and work the amended Act it should not be difficult for them to realise that the powers of which they have been deprived are such as the exercise of which had almost invariably rendered them open to criticism and that it is in the interest of education itself that these powers should have been partly transferred.

આ નક્કર હકીકત સરકારની સામે હોવાને લીધે તે જે કંઈ કરે તે આપણે સમજવું જોઇએ. જે નામદાર વડા પ્રધાન સાહેબની ધાર્મિક અને નૈતિક ભાવના અને વિચારણા તો ખુબ તીવ્ર છે. આ સંજોગોમાં કોઇ કોઈ ખુણેખાંચરે પણ એમનું નૈતિક બંધન ઢીલું થયું હોય અને ઉપરાંત પણ બીજું કંઈ કારણ મલ્યું હોય તો તે આપણે સમજવું જોઇએ. નૈતિક બંધન કોઇ જગ્યાએ ઢીલું થયું હોય તો, તે આપણે નભાવી ન લઇએ અને એ દૃષ્ટિએ આપણે આ પ્રશ્ન જોવો જોઇએ એવું મને લાગે છે.

હવે પછી જે પ્રશ્ન આ કાયદાના preambleને લીધે ઉભો થયો તે પણ મને રમુજી લાગે છે. ૧૯૨૩ના કાયદાનો preamble વાંચો, ૧૯૩૮ના કાયદાનો preamble વાંચો અને પછી ૧૯૪૭નો ખરડાનો પણ preamble વાંચો તો જે સંશય ઉત્પન્ન થયો છે તે શી રીતે પેદા થયો તે મારાથી સમજી શકાતું નથી. અત્યારસુધીના કાયદાઓની અંદર expedient કહેવું એ તો એકધારી રીતે ચાલતું આવેલું છે તે ઉપરાંત duty શબ્દ preamble માં આમેજ કર્યો છે. આ એકજ શબ્દ મને લાગે છે કે કોઇપણ માણસનો સંશય દૂર કરવાને માટે પુરતો છે. હું એમ પુછું છું કે જે કામ કરવાનું આપણે નક્કી કરીએ તેને માટે રીતિનીતિ પહેલેથી નક્કી કરવી તે શું સલાહભરેલું — duty શબ્દ પછી expedient શબ્દ શા માટે મુક્યો એમ માનનીય સભ્ય શ્રી કરંડીકર — કર્યો. આ સંશય અને પ્રશ્નને ક્યાં સ્થાન છે તે હજી હું સમજી શકતો નથી. અત્યારસુધીનો ફરજીયાત કેળવણીનો ઇતીહાસ અને પ્રાથમિક કેળવણીનો ઇતીહાસ આપણે જોઇએ તો સરકારે અત્યારસુધી જે જે વચનો આપ્યાં છે અને જેટલી ઝડપથી અને જેટલી સુંદર રીતે તે આપ્યાં છે તેટલીજ ઝડપથી અને તેટલીજ કુશળતાથી તે તોડવામાં આવ્યાં છે.

આનો એકજ દાખલો આપીશ. સરકારે એકવાર પોલીસી નક્કી કરી કે આપણે કેળવણીમાં આગળ વધવું છે ત્યારપછીના વરસોમાં આપણે શું જોઇએ છીએ. ૧૯૩૨થી ૧૯૩૬-૩૭ની સાલ સુધી સરકારે ગ્રાન્ટ વધારી નહિ પણ ક્રમે ક્રમે ઓછી કરી ૧૯૩૧-૩૨માં ૫ ટકા, ૧૯૩૨-૩૩માં ૧૯૬ ટકા, ૧૯૩૩-૩૪માં ૧૨ ટકા, ૧૯૩૪-૩૫માં ૧૨ ટકા, ૧૯૩૫-૩૬માં ૧૧ ટકા અને ૧૯૩૬-૩૭માં ૮ ટકા ગ્રાન્ટ કાપી. સરકારી નીતિમાં આવી રીતે ફેરફાર થયો હોય તો પછી સંશયને અવકાશ રહે છે પણ ફરજ શબ્દ મુક્યા પછી એને અવકાશ નથી. એટલે જે શબ્દને અંગે આપણો ભ્રમ હતો તે કારણ હવે—ફરજ—શબ્દ આમેજ કરવાથી દુર થયું છે એમ આપણે સમજવું જોઇએ:

હું એજ રિપોર્ટમાંથી થોડાક આંકડાઓ ટાંકીશ. આપણે ૧૯૩૬-૩૭નું વરસ લઇએ. તે વખતે સરકારે પંચવર્ષીય રિપોર્ટ બહાર પાડયો હતો તેમાં સ્કુલોની સંખ્યા ૧૨,૬૦૧ જણાવી છે અને વિદ્યાર્થીઓની સંખ્યા ૧૧,૪૦,૨૯૬ છે. તે રિપોર્ટમાં જણાવ્યું છે કે ગયા પાંચ વરસ પરનું

[Mr. Chhotalal A. Vyas]

આપણે જે પ્રગતિ કરી હતી અને જે હદે પહોંચ્યા હતા તેના કરતાં આ પાંચ વરસની અંદર આપણે પાછા હઠયા છીએ. પછી રિપોર્ટમાં સરકાર કહે છે કે ૬-૭ વરસમાં કેળવણી ખાતાના રિપોર્ટની અંદર એકની એક ચીજ જેને આપણે સાંભળતા આવ્યા છીએ તે જોવામાં આવે છે કે સરકાર પાસે પૈસા નથી અને તે કેળવણીમાં આગળ વધતી નથી.

૧૯૩૭-૩૮ની અંદર આપણી પ્રજાકીય સરકારનો અમલ આવ્યો. આજે આપણે શું જોઇએ છીએ ? ૧૯૩૬-૩૭માં ૧૨,૬૦૧ સ્કુલો અને ૧૧,૪૦,૨૬૬ વિદ્યાર્થીઓ હતાં, ત્યાંથી તે આંકડાઓ ૧૩,૨૪૪ અને ૧૧,૬૧,૫૦૧ ઉપર ૧૯૩૭-૩૮માં આવ્યાં, ૧૯૩૮-૩૯માં તે ૧૬,૪૩૫ અને ૧૩,૨૨,૬૬૪ ઉપર ગયા અને ત્યારપછી ૧૯૩૯-૪૦માં ૧૯,૧૧૫; ૧૩,૦૦,૪૫૬ અને ૧૯૪૦-૪૧માં ૧૯,૭૭૬; ૧૫,૬૦,૦૬૪ સુધી પહોંચે છે. આ પ્રમાણે ત્યારપછીના વરસોમાં પણ જોઇશું આજ પ્રમાણે આપણે પ્રગતિ કરી રહ્યાં છીએ. આ નિશાળો અને વિદ્યાર્થીઓની સંખ્યા જોતી વખતે અને તેની વિગતમાં ઉતરતી વખતે બીજો પ્રશ્ન નજરે પડે છે.

જે ચીજ સરકારે કબુલ રાખી છે તે એ છે કે કોઇપણ આવી પ્રજાકીય હિતની વાતના અંદર પ્રજાને આઘી રાખીને આપણે કામ કરીશું તો નહિ ફાવીએ. પ્રાથમિક કેળવણીના રિપોર્ટો આપણી આગળ પડયા છે તે દરેકમાં જોઇ શકીશું કે તેનું છેલ્લું target એ હતું કે એક દિવસ એવો આવે કે આ કેળવણીનું પુરેપુરું કામ પ્રજાને સોંપી દેવું.

૧૮૮૬ની અંદર ગાયકવાડ સરકારે અમરેલી અને નવ ગામોમાં પ્રાથમિક કેળવણીનો કાયદો દાખલ કર્યો. લાંબી પંચાયત—જેને આપણે આજે લોકલ બોર્ડ કે મ્યુનિસિપાલિટી કહીએ છીએ તેને આ કાયદા અંગે કેટલીક ફરજો અને સત્તા આપવામાં આવી હતી, તે લાંબા૬ લઇ લેવામાં આવી અને આવી રીતે પ્રજાપ્રતિનિધિઓના સહકાર વિના આ કાયદાની અમલબજાવણી બરાબર થઇ શકી નહિ. પ્રાથમિક કેળવણીની પહેલ એક autocratic state એ કરી. તેને લીધે નામદાર સભ્ય મી. શમસુદીને જેમ પંચાયત બીજી વખતે autocratic stateનો શબ્દ પ્રયોગ અનુસરવા માટે ટકોર કરી હતી તેવું આ વખતે તેઓ કરવાની હિમ્મત નહિ કરે એમ આપણે ઇચ્છીશું. કહેવું જોઇએ કે કોઇપણ કાયદો પ્રજાના હિતને માટે હોય તો તેને અનુસરવામાં શરમાવું ન જોઇએ. આપણે આજે એક autocratic stateના સારામાં સારા પગલાને અનુસરીએ છીએ અને જે વખતે સરકારને એવો રિપોર્ટ મળે કે અમુક સ્કુલ બોર્ડ કંઇ કામ કરતી નથી તો સરકારે તેને દુર કરવી. એકલી પ્રજા કે એકલી સરકાર આવું કામ ઝડપથી અને સુંદર રીતે ન કરી શકે. પ્રજાના સહકા ની જેટલી જરૂર છે તેટલીજ સરકારનાં કાબુ અને નાણાંકીય મદદની જરૂર છે. ૧૯૨૩નો કાયદો સુંદર હતો તેમાં સત્તા power પણ હતી છતાં પૈસા purse ન હતા. આ જે મોટામાં મોટી ખોટ હતી તે આજે પુરી પાડવામાં આવી છે. પૈસા આપવામાં આવ્યા છે. પૈસા આપીને કંઇક કાબુ સરકાર રાખે તો તે અજુગતુ ન કહેવાય.

આપણે આપણી કાર્યક્ષમતા જણાવીશું તો હું ધારું છું કે આપણે આપણી પ્રજાકીય સરકાર પાસેથી ઘણી ચીજો લઇ શકીશું.

શરૂઆતમાં નાની નાની બાબતોને મોટી કરીને ઝઘડયા કરવું તેના કરતાં આજે જે કંઇ આપણી પાસે આવ્યું છે, પૈસા આવ્યા છે—અને સરકારની દાનત સાફ છે તે બીજી વાત છે—અને આપણને જે ક્ષેત્ર મળ્યું છે તેનો સારામાં સારો ઉપયોગ કરીને વધારે સારું કામ કરી બતાવીએ તે વધારે ઇચ્છવાજોગ છે.

[Mr. Chhotalal A. Vyas]

હવે સ્થાનિક સંસ્થાઓને કાબુ આપવા વિષે ૧૯૩૦-૩૧નો રિપોર્ટ કહે છે કે :

"Transfer of control has brought the public into more intimate touch with education and the practical difficulties involved in its administration. As stated in the last annual report, communal and other disagreements continue to impede education in some districts."

તે આગળ જતાં કહે છે કે :

"It may be said, however, that the local authorities and school boards are becoming more familiar with the working of the Act. The number of cases in which difficulties or differences of opinion arise has diminished year by year and the whole administration of the Act is proceeding with increasing smoothness and harmony."

મારા મિત્ર નામદાર સભ્ય શ્રી. પોરપડેને આવા બીજા ઘણા opinionsની ભેટ કરી શકું છું અને સરકારે જે સમાધાન કર્યું હોય તો તેને તેમ કરવાના પુરતાં કારણો હતાં અને વખત આવશે ત્યારે સાબિત થશે કે સરકારે જે પગલું ભર્યું છે તે ડહાપણ ભર્યું છે. ત્યારપછી સ્થાનિક સંસ્થાઓ નાલાયક છે અને કંઈ કરતી નથી એમ કહેવામાં આવ્યું છે તે આ રિપોર્ટ અને બીજાં કાગળિયાં જુદું પાડે છે.

સ્થાનિક સંસ્થાઓએ ઉપરાઉપરી ઠરાવો કર્યા છે. આ રિપોર્ટની કહાણી કહે છે કે અમુક વરસે ૧૦ માંગણીઓ કરવામાં આવી તેમાંથી ફકત બેજ માંગણી મંજુર કરવામાં આવી.

વરસ પ્રતિ વરસ સરકારી નાણાંકીય મદદ ઓછી કરવામાં આવી છે તેથી ૧૯૨૬ના કાયદાની અંદર આપણી પાસે વધારે સત્તા હતી છતાં આપણે કંઈ કરી શકયા નથી તે આપણે જોઇશું. પૈસા બાબતની સત્તા એ કંઈ નકામી વસ્તુ નથી. આ બિલમાં સ્કુલ બોર્ડોને પૈસા આપવામાં આવ્યા છે એ પ્રશ્ન આપણે બરાબર સમજ્યા હોત તો આપણે આવી ટીકાઓ કરતાં અચકાયા હોત. સ્થાનિક સંસ્થાઓ પોતાની ફરજ પાર પાડવાની નથી અને તેના કેટલાક દોષ છે એવી વાત ઘણી વખતે કરવામાં આવે છે. હું ધારું છું કે દિવસે દિવસે જેમ જેમ આપણી સંસ્થાઓની જવાબદારી વધે છે તેમ તેમ તે જવાબદારીઓનું પણ તે સંસ્થાઓને ભાન થાય છે. અમારી ગુજરાતની સંસ્થાઓનો દાખલો આપું તો તે અસ્થાને ન ગણાશે.

અમારે ત્યાં સ્થાનિક સંસ્થાઓ આગે એક મધ્યસ્થ સંસ્થા છે. અમે તેને મધ્યસ્થ સમિતિ કહીએ છીએ. તેનું કામ સ્થાનિક સંસ્થાઓના ઉમેદવાર નક્કી કરવાનું અને ત્યાર પછી અંદરના વહીવટની અંદર ન પડતાં જ્યાં નીતિનો પ્રશ્ન આવે ત્યાં આગળ સભ્યોને સલાહ આપવાનું અને જોઇએ તો કાબુ પણ રાખવાનું કામ કરે છે. એ રીતે અમારી સંસ્થાઓએ એવું સારું કામ કર્યું છે કે જેથી ગુજરાતની બધી સંસ્થાઓમાં એકતા અને સમાનતા લાગે છે અને તેનું કારણ એ છે કે એમને આ મધ્યસ્થ સંસ્થાઓએ એકસરખી પ્રેરણા આપી હોય છે.

એક મોટામાં મોટી બીક એ હતી કે સ્થાનિક સંસ્થાઓમાં જે સભ્યો આવે છે તે એવા તો ઘેરથી ભણીને આવે છે કે તેમણે લોકો ઉપર કર નાંહ નાખવો. તેઓ ધારતા કે જો તેઓ લોકો પર કર નાખે તો લોકોનો અણગમો વ્હોરશે. પરંતુ આજથી ૩૫ વરસ ઉપર સરદાર વલ્લભભાઇ પટેલ જ્યારે અમદાવાદ મ્યુનિસિપાલિટીમાં દાખલ થયા ત્યારે તેમણે એવું શિક્ષણ આપ્યું કે ભીખ માગવાની ટેવ છોડી દો. તેમણે કહ્યું કે તમે જરાપણ નહિ માનશો કે કરો નાખવાથી લોકોમાં અપ્રિય થઈ પડીશો. હું ધારાસભાનો વખત દાખલાઓ ટાંકીને લેવા માંગતો નથી પણ એકજ દાખલો ટાંકીશ. ૧૯૨૦ની અંદર અસહકારની લડત આવી ત્યારે સરકારી ગ્રાન્ટ ફગાવી દઇને આપણી સંસ્થાઓ આપણે પોતે ચલાવવી એવી સલાહ આપવામાં આવી. એ વખતે જે પ્રેરણા મળી તેને લીધે અત્યારે ગુજરાતમાં વધુ પ્રગતિ થઇ રહી છે. અને મ્યુનિસિપાલિટી અને લોકલ બોર્ડમાં અમે

[Mr. Chhotalal A. Vyas]

જોઇએ છીએ કે પહેલાની નીતિ—કર નાખશું તો લોકોમાં અપ્રિય થઇ પડીશું—એ હવે રહી નથી. જે કોઇપણ સંસ્થા ગમે તે રીતે કરનો દુર્વ્યય કરશે તોજ તે અપ્રિય થઇ પડશે પરંતુ જો તે કરનો સદુપયોગ કરીને સંગીન કાર્ય કરી બતાવશે તો જરૂર તેના વખાણ થશે.

ગુજરાત પણ મીન્ત પ્રાંતો જેટલોજ આ અંગે સત્તા મેળવવા આતુર છે. અમે જેટલી હદ સુધી જઇએ છીએ તે બધું છતાં ઘણી નાની નાની ચીજોમાં અમે આ બિલમાં સુધારા રજુ કરી શકીએ એમ છીએ છતાં પણ હું અમને તેમ કરવા આગ્રહ કરતો નથી. મને અત્યારથી એમ સંતોષ થયો કે સરકારે બધા જુદા જુદા વિષયોનો સુંદર રીતે સમન્વય કર્યો છે; તે ચીજ મને ઘણીજ સંતોષકારક લાગી છે. અને જે બીજી નાની નાની ચીજો છે તે સિલેક્ટ કમિટિમાં અમે બીજા જખાએ જરૂર પડશે તો રજુ કરવામાં આવશે અને તે મુજબના ફેરફારો સુચવવામાં આવશે. આપણે જરૂર યોગ્ય સુચનાઓ કરીએ; પછી તે સ્વીકારાય કે ન સ્વીકારાય તે જુદો પ્રશ્ન છે.

હું કહું છું કે આ સભામાં જે અકળામણના શબ્દો નીકળ્યા તે આ બિલના રજુ કરવા સામે મુકાવા ન જોઇતા હતા, છતાં પણ દરેક સભ્યને તેમ કરવાનો હક છે અને તે પ્રમાણે તેઓએ કર્યું છે. પરંતુ મને જે દેખાયું છે તે મેં આપની આગળ રજુ કર્યું છે.

આ રીતે હું આ બિલને સંપુર્ણ ટેકો આપું છું અને આપણે હું કહું છું કે હજુયે વિચાર કરીને આ બિલને પુરા સંતોષ અને ખુશાલીથી વધાવી લો અને તેને પુર્ણ ટેકો આપો.

Mr. S. S. MAHAJAN (Ratnagiri South): "मि. करंदीकर म्हणाले की, मंडनगड च्या मामलेदार बेगुर्न्याच्या लोकांचे हित कसें कळलें असा संशय प्रगट केला पण मी म्हणतों पुण्याचे मि. करंदीकर हे रत्नागिरी जिल्ह्यांतील लोकांचे हित कसें पाहतांत हें आश्चर्य आहे. मि. करंदीकरांना दुसऱ्याच्या डोळ्यांतील कुसळ दिसतें पण त्याच्या डोळ्यांतील मुसळ त्यांना दिसत नाहीं. कॉंप्रमाईज शब्दाच्या अर्थावर पुष्कळांनीं टीका केली आहे. या परिस्थितींत लोकांच्या हातांत पूर्ण सत्ता देणें शक्य नाहीं परंतु लोकांच्या सहकार्यावांचून हें प्रचंड कार्य पार पाडणें शक्य नाहीं. म्हणून लोकांच्या हातांत कांहीं अधिकार देणें जरूर आहे. कॉंप्रमाईजनें या बिलांत सुवर्णमध्य साधला आहे. या दृष्टीनें कॉंप्रमाईज हा शब्द नामदार पंतप्रधानांनीं वापरला आहे असें मला वाटतें. आपल्याला या बिलानें प्रचंड कार्य करावयाचें आहे. मि. करंदीकर या बिलांत धैर्याचा अभाव आहे असें म्हणाले, पण मी म्हणतो लोकल बोर्डस् कांय म्हणतील, कांहीं मेंबर्स काय म्हणतील याची पर्वा न करतां योग्य वाटलें तेंच या बिलांत धैर्यानें मांडलें आहे. आजपर्यंत जीं अनेक बिलें आलीं त्यांत शिक्षणाचें हें बिल अत्यंत महत्त्वाचें आहे. शिक्षण हें राष्ट्रीय जीवनाचा पाया आहे. मि. रस्किननें एके ठिकाणीं म्हटलें आहे "Reform your schools then there will be little need for reform in jails" मुलांना योग्य-प्रकारें शिक्षण दिलें गेलें तर तुरुंगाची जरूरी नाहीं. सर्व कार्यामध्यें शिक्षण हा पाया आहे. दुर्दैवानें आजच्या शिक्षणाला ध्येय असें कांहींच नाहीं. पैसा मिळविणें हेंच ध्येय ठरलें आहे. सध्या नीती शिक्षणाला स्थान नाहीं त्याचा परिणाम गेल्या महायुद्धांत दिसून आला आहे. या युद्धांत व्यापारी लोकांनीं काळा बाजार केला. नैतिक शिक्षणाचा पूर्व अभाव या शिक्षणा-

[Mr. S. S. Mahajan]

मध्यें आहे. आपल्या आचरणानें शिक्षक विद्यार्थ्यांवर परिणाम करूं शकतो हें खरें पण एका इंग्रज गृहस्थानें म्हटल्याप्रमाणें. More ills are wrought for want of thought than for want of heart, नैतिक शिक्षण अत्यंत आवश्यक आहे. वर्धा शिक्षणाची योजना हा उत्तम उपाय आहे. तो शक्यतो लवकर अंमलांत आणावा अशी सूचना मी करूं इच्छितों. केवळ सरकारी पैशाचे जोरावर शिक्षणाचे काम पुरें करावयाचें असेल तर १० वर्षांचें नव्हे तर ५० वर्षें लागतील. मी अशी सूचना करूं इच्छितो की, मॅट्रिक पास झाल्यावर किंवा बी. ए. झाल्यावर सर्टिफिकेट देण्यापूर्वी एक वर्ष खेड्यांत शिक्षणाचें काम करणें भाग पाडलें पाहिजे. नुसते सरकारी नोकरांचे जोरावर हें काम शक्य नाहीं. लहान विद्यार्थ्यांचा उपयोग करावा. चीनमध्यें ९/१० वर्षांचीं मुलें आपल्या आईबापांना शिक्षण देतात अशा दृष्टीनें लहान मुलांचा उपयोग करून साक्षरतेची योजना आपल्याला करावी लागेल. लोकांचें सहकार्य घेतल्याशिवाय साक्षरता प्रसाराचें काम होणार नाहीं. तालुका स्कूलबोर्डाच्या २/३ बहुमतानें तालुका कमिटी नेमली पाहिजे. तालुका बोर्डाच्या संपूर्ण सहकार्याशिवाय हे प्रचंड काम होणार नाहीं. तालुका बोर्ड केवळ ॲडव्हायसरी आहे. त्याच्या हातांत थोडे अधिकार देणें जरूर आहे. त्याशिवाय आत्मियता उत्पन्न होणार नाहीं. सिलेक्ट कमिटींत याचा विचार व्हावा असें मी सुचवितों. पुस्तकें ठरविण्याचा अधिकार सरकारनें घेतलें आहे तें खरोखर फारच चांगलें झालें पूर्वी ते अधिकार लोकल बोर्डाचे हातांत होते. पुस्तक विक्रेते बोर्डावर वजन आणून आपलीं पुस्तकें कशीं लावतील जातील हें पहात होते. त्यांच्यावर या बिलानें आळा बसेल यांत शंका नाहीं. सरकारनें शिक्षणाचें ध्येयाची, देशासाठी सर्वस्व अर्पण करण्याची, विद्यार्थ्यांमध्यें देशभक्तीचे संस्कार उत्पन्न होतील व देशभक्तांची कळकळ निर्माण होईल अशीं पुस्तकें तयार करावीं. स्टाफकमिटी नेमल्यानें शिक्षक नेमण्याबद्दलच्या तक्रारी दूर होतील व हांजी हांजी करण्याची वृत्ति नाहींशी होईल. या बिलामुळें शिक्षक एका जाचांतून सुटले आहेत. शिक्षक धन्यवाद देतील अशी मला आशा आहे. या बिलाला पाठींबा देऊन मी आपली जागा घेतों.

Mr. B. R. HUJARE (Bijapur North): अध्यक्ष महाराज जो बिल हाऊस के सामने है मैं उसका समर्थन करता हूँ। इस बिल से बहुत फ़ायदा होगा हालांकि लोकल बोर्ड का इस से अधिकार थोड़ा कमती होता है। इस में नीचे लिखा है नियुक्त करने का काम सब चेयरमैन और सेक्रेटरी के हाथ में होगा। हमारे एजूकेशन इन्स्पेक्टर और दूसरे अफ़सर गवर्नमेंट के होते हैं। लेकिन स्कूल बोर्ड का चेयरमैन एक चुनाहुआ मेम्बर होता है। पहले ऐसा नहीं था। पहले ऐसा होता था कि ॲडमिनिस्ट्रेटिव अफ़सर जो होता वही टीचर्स की नियुक्ती करता था। मैं जो कह रहा हूँ यह किसी की बात सुनकर या देखकर नहीं कह रहा हूँ। मेरे पास इसका पुरावा है। ॲडमिनिस्ट्रेटिव अफ़सर के पास जो अधिकार हैं वह उनका उपयोग बराबर नहीं करता। अभी काँग्रेस गवर्नमेंट है फिर भी ऐसा हो रहा है। मैं नम्र विनती करता हूँ कि मुख्य मन्त्रीजी जरा नोट करलें तो बहुत अच्छा होगा। ऐसा है कि हमारे बीजापूर में बहुत से लोग आते हैं और कहते हैं कि यह

[Mr. B. R. Hujare]

गवर्नमेंट हमारी गवर्नमेंट है लेकिन न मालूम किस जगह रहती है। हमारी परिस्थिति में उसने कोई सुधार नहीं किया। हमारा देश आर्थिक दृष्टि से बहुत पीछे है। अगर कोई बड़ी जगह हुई तो सब की इच्छा होता है कि वहाँ पहुँचे। यदि थोड़ा भी आर्थिक फ़ायदा होता हो तो हर एक आदमी यह चाहता है कि वह जगह उसे मिले। परन्तु हमारे ज़िले में हर ऐसी जगह ॲडवान्स क्लास के लोगों को दी जाती है। चाहे दूसरे प्राईमरी टीचर्स उतने ही पढ़े लिखे क्यों न हों। आप इन बातों का विचार करते हैं या नहीं? अब मैं आप को एक क़िस्सा सुनाता हूँ। देहातों में एक पोस्टवाले की जगह रहती है जो किसी प्राईमरी टीचर को दी जाती है। उसमें भी मैं देखता हूँ कि उसमें भी वह जगह ९० प्रतिशत ॲडवान्स क्लास के लोगों को दी जाती है। फिर यह ग़ैर-इन्साफ़ी दूसरी जात वालों के साथ क्यों की जाती है।

ऐसा ही एक दूसरा क़िस्सा है। हमारे शोलापूर में तुल्सी जाधव एक वर्तमानपत्र निकालते हैं। उसमें लिखा था कि एक ॲडमिनिस्ट्रेटिव अफ़सर ट्रान्सफ़र के १५ दिन बाद दफ़्तर में चार्ज लेने के लिये आया। उसी बीच में वहाँ के ॲडमिनिस्ट्रेटिव अफ़सर ने ३०० आदमियों का ट्रान्सफ़र कर दिया। वह तो ट्रान्सफ़र कर के चला गया लेकिन जब दूसरा अफ़सर आया तो उन ३०० आदमियोंने बोभ मारना शुरू किया लेकिन उसने जवाब दिया कि मेरे हाथ में कुछ नहीं है वह तो पहले वाला अफ़सर जो कुछ कर गया है वह बदल नहीं सकता।

The DEPUTY SPEAKER: The hon. Member will note that the expression "बोम्ब मारना" is unparliamentary. He can explain the case in a better language.

Mr. BABUBHAI J. PATEL: The Marathi expression "बोम्ब मारणें" may be unparliamentary; but is the Hindi expression "बोम्ब मारना" also unparliamentary?

The DEPUTY SPEAKER: To me, "बोम्ब मारना" means being the mouth with fists. That expression is certainly unparliamentary. I do not know whether it has any other meaning.

Mr. B. R. HUJARE: मैं ने बोंब मारने का अर्थ चिल्लाने का लिया है। शायद आप इसे अच्छी तरह समझे नहीं हैं।

अध्यक्ष महाराज, मेरा कहना ऐसा है कि जैसे काम अभी स्कूल कमेटी और लोकल बोर्डस में चल रहे हैं उनसे तो कोई कह नहीं सकता कि यह लोक राज है। अभी मेरे दोस्त आम्बली साहब ने कहा कि यह बिल सिलेक्ट कमेटी में जानेवाला है। मेरी ऐसी इच्छा है कि सिलेक्ट कमेटी में इसे और भी अच्छा बनाया जाय और जो कमी रह गई है वह पूरी की जाय। एजूकेशन एक्सपर्ट लोगों के हाथ में दी जाय और वह एक्सपर्ट लोग गवर्नमेंट चुन सकती है। यही मेरी सूचना है। एक बहुत महत्व का पॉईन्ट यह है कि जो

[Mr. B. R. Hujare]

गवर्नमेंट हमारी गवर्नमेंट है लेकिन न मालूम किस जगह रहती है। हमारी परिस्थिति में उसने कोई सुधार नहीं किया। हमारा देश आर्थिक दृष्टि से बहुत पीछे है। अगर कोई बड़ी जगह हुई तो सब की इच्छा होता है कि वहाँ पहुँचे। यदि थोड़ा भी आर्थिक फ़ायदा होता हो तो हर एक आदमी यह चाहता है कि वह जगह उसे मिले। परन्तु हमारे ज़िले में हर ऐसी जगह ॲडवान्स क्लास के लोगों को दी जाती है। चाहे दूसरे प्राईमरी टीचर्स उतने ही पढ़े लिखे क्यों न हों। आप इन बातों का विचार करते हैं या नहीं? अब मैं आप को एक क़िस्सा सुनाता हूँ। देहातों में एक पोस्टवाले की जगह रहती है जो किसी प्राईमरी टीचर को दी जाती है। उसमें भी मैं देखता हूँ कि उसमें भी वह जगह ९० प्रतिशत ॲडवान्स क्लास के लोगों को दी जाती है। फिर यह ग़ैर-इन्साफ़ी दूसरी जात वालों के साथ क्यों की जाती है।

ऐसा ही एक दूसरा क़िस्सा है। हमारे शोलापूर में तुल्सी जाधव एक वर्तमानपत्र निकालते हैं। उसमें लिखा था कि एक ॲडमिनिस्ट्रेटिव अफ़सर ट्रान्सफ़र के १५ दिन बाद दफ़्तर में चार्ज लेने के लिये आया। उसी बीच में वहाँ के ॲडमिनिस्ट्रेटिव अफ़सर ने ३०० आदमियों का ट्रान्सफ़र कर दिया। वह तो ट्रान्सफ़र कर के चला गया लेकिन जब दूसरा अफ़सर आया तो उन ३०० आदमियोंने बोम मारना शुरू किया लेकिन उसने जवाब दिया कि मेरे हाथ में कुछ नहीं है वह तो पहले वाला अफ़सर जो कुछ कर गया है वह बदल नहीं सकता।

The DEPUTY SPEAKER: The hon. Member will note that the expression "बोम्ब मारना" is unparliamentary. He can explain the case in a better language.

Mr. BABUBHAI J. PATEL: The Marathi expression "बोम्ब मारणें" may be unparliamentary; but is the Hindi expression "बोम्ब मारना" also unparliamentary?

The DEPUTY SPEAKER: To me, "बोम्ब मारना" means being the mouth with fists. That expression is certainly unparliamentary. I do not know whether it has any other meaning.

Mr. B. R. HUJARE: मैं ने बोंब मारने का अर्थ चिल्लाने का लिया है। शायद आप इसे अच्छी तरह समझे नहीं हैं।

अध्यक्ष महाराज, मेरा कहना ऐसा है कि जैसे काम अभी स्कूल कमेटी और लोकल बोर्डस में चल रहे हैं उनसे तो कोई कह नहीं सकता कि यह लोक राज है। अभी मेरे दोस्त आम्बली साहब ने कहा कि यह बिल सिलेक्ट कमेटी में जानेवाला है। मेरी ऐसी इच्छा है कि सिलेक्ट कमेटी में इसे और भी अच्छा बनाया जाय और जो कमी रह गई है वह पूरी की जाय। एजूकेशन एक्सपर्ट लोगों के हाथ में दी जाय और वह एक्सपर्ट लोग गवर्नमेंट चुन सकती है। यही मेरी सूचना है। एक बहुत महत्व का पॉईन्ट यह है कि जो

[Mr. B. R. Hujare]

टीचर लोग रहते हैं उन पर आप की नज़र ठीक तरह से नहीं रहती। उनको क्या क्या रुमती बढ़ती होती है वह सब आप को मालूम नहीं रहता। फिर उनको आप खुश कैसे रख सकते हैं। हम लोग जो शहरों में रहते हैं और जिनके पास पैसा है वह मज़ा मारने के वास्ते बहुत सी जगह जा सकते हैं। वह खेल तमाशा और सिनेमा आदि में जा सकते हैं। लेकिन देहात के प्राईमरी टीचर्स के पास मज़ा मारने के लिये कुछ नहीं होता। उनकी आर्थिक परिस्थिति भी बहुत खराब होती है। वह किसी दूसरी जगह मज़ा मारने के लिये नहीं जा सकते इस लिये वह जाते हैं अपनी औरतों के पास और मज़ा मारते हैं। (हँसी) यह हँसने की बात नहीं है। यही कारण है कि देहात में एक एक प्राईमरी स्कूल के मास्टर के पास छः छः आठ आठ बच्चे रहते हैं। हमारे सरीखे लोग जो शहरों में रहते हैं वह दो बच्चे हुये कि फ़ौरन् बर्थ-कन्ट्रोल की फ़िकर करते हैं। और दवा करते या डाक्टर की सलाह लेते हैं। लेकिन खेडूत लोगों के पास खाने को तो पैसे रहते नहीं। बर्थ-कन्ट्रोल की दवा कहाँ से करें। यही हाल टीचर लोगों का है कि उनका बड़ा परिवार होता है। उनके माँ बाप, भाई, बहन और छः छः आठ आठ बच्चे औरत और खुद होते हैं। अब आप बतलाईये कि वह इतने आदमियों का पेट ६० या ७० रुपये में जो उसे मिलते हैं कैसे भर सकता है? तो वह क्या करता है। जब वह देखता है कि ६० या ७० रुपये में काम नहीं चलता तो वह कोई दूसरा काम करता है या दूसरा धन्दा करता है। बीजापूर ज़िले में नाक थाना एक देहात है। वहाँपर ४ वर्ष से एक स्कूल में एक हेडमास्टर हैं। वह हर वर्ष १५-१५ छोकरे वर्नाक्यूलर फ़ाइनल परीक्षा में बैठालता है लेकिन एक भी साल कोई छोकरा पास नहीं होता। वह कुछ सिखाता ही नहीं कोई छोकरा पास कहाँ से हो? पढ़ाता इस कारण नहीं कि कोई दूसरा धन्दा करता होगा। क्यों कि ७०-८० रुपये जो उसे पगार मिलती है उसमें उसका तथा उसके परिवार का पेट नहीं भर सकता। वह होगा उसके माँ बाप होंगे और उसके जोरू बच्चे होंगे। फिर उसकी पगार में उसका काम कैसे चल सकता है। यह तो गवर्नमेण्ट के सोचने और विचार करने की बात है। अब ज़माना बदल चुका है। महंगाई इतनी ज्यादा है। कि उसको हमारे सरीखा खाने को घी, मक्खन नहीं मिलता। उसे पेट भरने के लिये खाना भी मुश्किल से मिलता है इस लिये उसे पैसा कमाने के लिये दूसरा काम धंधा करना पड़ता है। इस लिये उसका जी विद्यारथियों को पढ़ाने में कैसे लग सकता है। और वह विद्यारथियों को आगे कैसे पढ़ा सकता है। फिर गवर्नमेण्ट को इतना पैसा खर्च कर के भी क्या फ़ायदा होता है। सारा पैसा बेकार जाता है। मेरा कहना यह है कि इतना पैसा खर्च करने पर भी हम देखते हैं कि टीचर्स लोग छोकरों को अच्छी तरह से सिखाते नहीं हैं तो फिर कोई छोकरा पास कैसे हो सकता है और आगे पढ़ कैसे सकता है।

हम देखते हैं कि पोलिस में या किसी और डिपार्टमेन्ट में किसी की बदली होती है तो उन के लिये सरकारी घर वग़ैरा का प्रबंध होता है। लेकिन प्राईमरी स्कूल के टीचर्स की दूसरे दूसरे देहातों में बदली होती है तो उन के लिए घर का कोई बन्दोबस्त नहीं

[Mr. B. R. Hujare]

होता । जहाँ वह जाते हैं उन को—रहने को घर नहीं मिलता । कोई जगह नहीं मिलती । फिर वह इधर उधर वसीला लगाता फिरता है । वह हमारे सरीखे एम.एल.ए. के पास जाता है और कहता है कि मकान नहीं मिलता पर हम करें तो क्या घर तो मिलता नहीं है । इस तरह से टीचर्स को—जिन की बदली होती है बड़ी inconvenience रहती है । उस पर तरह तरह के जी. आर. निकलते रहते हैं । हरिजन टीचर्स के लिये भी जी. आर. निकलते हैं पर अमल बहुत कम होता है । प्राईमरी टीचर को जिस की बदली होकर आती है और गाँव में घर नहीं मिलता तो वह गाँव से दूर ३-४ मील पर घर लेता है । फ़जर में ३-४ मील चलकर स्कूल जाता है । दो घंटे उसे जाने में लगते हैं और फिर वहाँ थोड़ा बच्चों को पढ़ा कर खाना खाता है और फिर थोड़ा पढ़ा कर फिर ३-४ मील चल कर २ घंटे में घर आता है । इस तरह से उस का सारा समय चलने में निकल जाता है फिर उस का पढ़ाने में जी कैसे लग सकता है । इस लिए आवश्यकता है कि अगर आप बहुत ज्यादा महत्व एजूकेशन को देना चाहते हैं तो पहले मास्टर लोगों को क्या क्या तकलीफ़ होती हैं वह देखना चाहिए । आप मास्टर—लोगों के लिए मकान बनवाने के लिए ज्यादा ध्यान दें तो ज्यादा अच्छा है ।

दूसरी बात यह है कि आप जानते हैं कि देहातों की आर्थिक परिस्थिति बहुत खराब है । चाहे कुछ भी करिये देहात के लोगों की आर्थिक परिस्थिति ऐसी है कि वह अपने बच्चों को शाले में नहीं भेज सकते । एक दो बच्चे तो अमीरों के यहाँ जानवर चराने के लिये ही रहते हैं । उन के पास पैसे तो रहते नहीं इस लिये यह बच्चे ही थोड़ा बहुत कमाते हैं । फिर यह पढ़ने क्या जा सकते हैं । इस के साथ ही साथ उन के पास खाने और कपड़े के लिये पैसे भी नहीं होते । इस लिये गवर्नमेंट इन देहात के बच्चों को कपड़े, पुस्तक और पाटी के लिये पैसे दे तो बहुत अच्छा हो । गवनमेंट कहती है कि वह विद्यार्थियों को स्कॉलरशिप भी देती है लेकिन वह सब कागज में ही रहते हैं । अभी ५ महीने से स्कॉलरशिप दिया है ।

The DEPUTY SPEAKER: I think the hon. Member is getting a bit irrelevant. He should confine his observations to the Bill before the House.

Mr. B. R. HUJARE: मैं अंग्रेजी ठीक से नहीं समझ सकता । आप जो कुछ बोल रहे हैं वह आप कनेड में बोले या हिन्दुस्तानी में बोलें तो अच्छा हो ।

The DEPUTY SPEAKER: It does not matter in which language the hon. Member speaks, but he should not be irrelevant.

Mr. J. H. SHAMSUDDIN: Sir, the hon. Member says that he cannot follow the ruling given in English. He, therefore, requests that the ruling may be given in Kannada.

The DEPUTY SPEAKER: My ruling is meant for the whole House and not for the hon. Member alone. Therefore, I cannot give my ruling in Kannada.

Mr. B. R. HUJARE: मेरा कहना इतना है कि आप देहात के गरीब बच्चों के लिये ज्यादा सहूलियतें दें तो वह खुद स्कूल में पढ़ने के लिये जायेंगे । अगर आप उनको खेलने

[Mr. B. R. Hujare]

के लिये और पढ़ाई के लिये पैसे दें और मन बहलाव के लिये सिनेमा आदि का प्रबन्ध करें तो ठीक होगा। अगर स्कूल के मास्टर भी कभी कभी बच्चों को खाने के लिये दें तो वह सब बच्चे पढ़ने के लिये जरूर जायेंगे। अगर सिर्फ़ क़ानून बना कर लोगों को जुर्माना करेंगे और क़ैद करेंगे तो इस से कोई फ़ायदा नहीं हो सकता। आप उससे वह कुछ प्राप्त नहीं कर सकते जो चाहते हैं क्यों कि अगर बच्चों का मन न लगा तो वह स्कूल से भी भाग जायेंगे। मैं ने दो चार सूचना जो मुझे देना थी आपको दे दीं। इससे ज्यादा मैं कुछ नहीं कह सकता। हमारे दोस्त आम्ब्ली साहब ने कहा है कि यह बिल सेलेक्ट कमेटी में जाने वाला है मैं यह कहूँगा कि उस कमेटी में ऐसे आदमी लिये जायें जो देहातों से आते हैं। क्यों कि वह बता सकते हैं कि देहातों में प्राईमरी एजूकेशन को कैसे कामयाब कर सकते हैं और हमारी गवर्नमेण्ट यानी काँग्रेस गवर्नमेण्ट का ध्येय कैसे पूरा हो सकता है। ऐसा क़ानून बनाया जाय कि सब आदमी उसका फ़ायदा ले सकें और आप उनसे फ़ायदा ले सकें तो आपकी बहुत मेहरबानी होगी। इतना कह कर मैं बिल को फिर से सपोर्ट कर के आप की रज़ा लेता हूँ।

Mr. RAZIUDDIN H. GOODWALA (Dharwar District): Sir, I rise to support the first reading of this Bill. The object of education, as the Hon. the Premier has stated in his opening speech on this Bill, is to make the life of the people better by educating them, and education, therefore, becomes the primary duty of Government which it cannot shove on to shoulders which cannot bear it. The Hon. the Premier is an expert on education and an ardent lover of it and has therefore, taken the first opportunity of introducing this Bill with a view to putting the ideals he preaches into practice. By this piece of legislation he wants to spread education among the general public. Undoubtedly, universal, free and ompulsory primary education will be welcomed by those who had not the means facilities so far to educate themselves and thus remained backward. Very v people could afford to take education which is costly under the present circum- ances. The result was that the poor people could not march with the times d keep pace with the rich who advanced through education. But this piece legislation gives to the poor villager facilities for education and a chance to prove his prospects in life. Education will no longer remain the preserve of e few rich people who can afford it. The Bill gives to the poorest of the villager opportunity to rise in life according to his ability. This, Sir, is the most icome feature of this Bill.

The Hon. the Premier who, as I said, is an expert on education has told the House at learning through activity is the best method of education and this has been dorsed by all renowned educationsts in the world. This feature of education was completely absent from the education which was given under the foreign rule. The Hon. the Premier laid special emphasis on craft work, which is also he main principle in basic education. Such education would, in his opinion, be really beneficial to the people.

The House was adjourned at 7-00 p.m. till 2 p.m. on Wednesday the 1st October 1947.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XLVIII OF 1947 [A BILL TO PROVIDE FOR COMPULSORY PRIMARY EDUCATION AND TO MAKE BETTER PROVISION FOR THE MANAGEMENT AND CONTROL OF PRIMARY EDUCATION IN THE PROVINCE OF BOMBAY]

Clause by clause reading (continued).

The Hon. the SPEAKER: Clause 33. There is one amendment to it standing in the name of the hon. Member Mr. Dange. He may move it.

Mr. S. A. DANGE: I do not wish to move it.

Clause 33 ordered to stand part of the Bill.

Clauses 34 to 38 ordered to stand part of the Bill.

Clause 39. (*Recognition of and grants to approved schools under private management.*)

(1) Every primary school, other than a primary school maintained by the Provincial Government or by a school board or by an authorized municipality, which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

(2) Such recognition shall be given by the school board or by the Provincial Government or by an officer authorized by it in this behalf; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

Dr. M. N. NATU (Deccan Sardars and Inamdars): Sir, I move—

In clause 39 sub-clause (2), delete the last sentence beginning with "and the manner" etc. and add the following at the end:

"Such recognised approved schools shall be given an annual grant by the Provincial Government, or a school board or an authorized municipality to an extent of sixty per cent. of their annual expenditure as allowed under the prescribed rules, provided, the managers of such schools agree to pay the staff of teachers and servants the rates of pay and allowances as fixed from time to time by the Provincial Government."

Question proposed.

The Hon. the SPEAKER: The hon. Member will see that he has used the words "under the prescribed rules". Which rules is he referring to?

Dr. M. N. NATU: To the rules to be prescribed by Government in that behalf.

The Hon. the SPEAKER: All right; the hon. Member may speak.

Dr. M. N. NATU: Sir, Chapter VII deals with approved schools generally and clause 39 deals particularly with approved schools other than primary schools maintained by the Provincial Government or by a school board or an authorised municipality. These schools are run under private management and, if they fulfil the conditions prescribed, they are enitled to recognition as approved schools. Then, sub-clause (2) of clause 39 provides:

"Such recognition shall be given by the school board or by the Provincial Government or by an officer authorized by it in this behalf; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed."

What I find is that the provision regulating the grant-in-aid to be given to schools under private management has remained unchanged since 1923 up to date except for a few minor changes.

The different agencies which have been working in the field of primary education are: (1) the district local boards which run schools under the supervision of the district school boards; (2) the authorized municipalities which conduct schools under their own management; (3) Government; and (4) private management. We are here mainly concerned with schools under private management. These have been in existence probably since the very inception of primary education in this Province. There are a number of institutions run by private bodies and, if I may say so, some of them, if not all, are managed more efficiently than schools under any of the other three agencies mentioned by me. It cannot be disputed that they have done excellent work in the field of primary education.

In the present Bill as well as under the Act that is in existence today, there are statutory provisions laying down the grants to be given to different agencies. For instance, under the present Bill it is proposed that the district school boards should receive such grant as will cover 96 per cent. of the expenditure incurred on primary education. Under the Act that is in existence today the grant is two-thirds of the total expenditure. So, we have here a substantial rise in the grants to be given to district school boards. Similarly, the municipal or local authorities which receive one-third of the amount of their total expenditure by way of grant will receive under the scheme of compulsory education such grant as will cover 50 per cent. of the total expenditure. But there is no such rise in the amount of grant which schools under private management will receive. This is the only agency that has been kept out of statutory provision in the matter of grant, although, as I said, the schools under that agency have been doing excellent work in the sphere of primary education.

As rules are going to be prescribed under this Bill after it becomes an Act, so also there are rules under the existing Act which lay down a maximum grant of Rs. 10 per pupil. Approved A class schools receive this maximum per capita grant and approved B class schools receive

[Dr. M. N. Natu]

Rs. 8 as per capita grant to meet their costs on primary education. Then the expenditure is divided into two categories, *viz.*, allowable and non-allowable although nowhere to the knowledge of any one is it stated how they are to be determined. The expenditure is to be classified by the Inspector while inspecting the books of account. When under the Act of 1923 and the rules made thereunder this maximum per capita grant of Rs. 10 was fixed, it was supposed that the per capita expenditure was about Rs. 15, because it was laid down in rule 89 (*a*) that the capitation grant for each pupil should not exceed two-thirds of the average recurring cost of each pupil in the schools maintained and managed by the local authority in the preceding year and should also be subject to a maximum of Rs. 10 per pupil. But what was provided taking into consideration the conditions in 1923 or 1924, is thoroughly inadequate in 1947. Today the cost of education has gone up cent. per cent. and yet the maximum per capita grant remains Rs. 10.

Then, let us see how the amount of grant is determined. The total annual expenditure of the school is taken into account and from that the money earned by way of fees is deducted. Then, on the other side, the average attendance is taken and the figure is multitplied by 10. Of these two figures whichever is less is the grant for the school for that particular year. Thus, according to the calculation, it is clear that the maximum per capita grant of Rs. 10 is received by a school only if its net expenditure is more than the amount of grant which it is entitled to receive. I understand, however,—I am open to correction if I am wrong—that Government has announced that a maximum per capita grant of Rs. 10 will be paid to schools after taking into account the number of pupils regularly attending them. But I also learn—here also I am speaking subject to correction—that the municipal authorities have given the schools to understand that this announcement of Government will hold good only if its financial position permits. Thus, it is obvious that the maximum per capita grant of Rs. 10 is not compulsory but is subject to the financial position of the municipal authorities. And it is my grievance that although private schools are run subject to the rules prescribed by Government, they are not assured of any substantial help in the same way as the district or municipal school boards are under the statute.

I have already said that since 1923 although there has been no change in the amount of per capita grant the costs of education have immensely increased. It may be said that private schools have raised the fees. But the increased income earned by way of higher fees is not sufficient to meet the increased expenditure. And according to the method of calculation of the amount of grant as indicated by me some time before, if the fees are raised the amount of grant will go down. Suppose a school is getting a grant of Rs. 3,000 or Rs. 4,000 annually. If it raises the fees by 8 annas or a rupee, then the amount of grant may be reduced to a thousand rupees or so. Thus, according to the rules which are

[Dr. M. N. Natu]

in force at present for the determination of the amount of grant, if the fees are increased the amount of grant is reduced instead of being increased. This is an anomalous position, and the authorities in charge of private schools are at a loss to understand what they should do to meet the increased costs on education.

The other point is the classification of expenditure into allowable and non-allowable. Here also very legitimate expenditure which goes towards the improvement of the standard of efficiency of the schools is not provided for as allowable. All of us know of the dearness allowance that is being paid for the last three or four years in almost all the schools. Government themselves are paying dearness allowance in their own schools and departments, up to about Rs. 24 or Rs. 26. Even this amount of dearness allowance is not treated as an allowable expenditure under the present rules governing payment of grant-in-aid to primary schools. I learn that only Rs. 5 per head are allowable as grant on dearness allowance. That comes very often to less than one-fourth of the dearness allowance that is being paid by the schools. In the case of high schools, where Government have stated that it is not their business to help them, the dearness allowance grant of Government has been raised to the extent of 50 percent., while, in the case of primary schools, where Government have promised to give help, the dearness allowance grant is hardly Rs. 5 per head, coming to about 20 percent. of the total expenditure that the schools incur on this item.

In addition to that, if any school appoints some special teachers, say, for the purpose of physical education, teaching of music to the pupils, teaching of handicrafts, and so on, which improves the efficiency of the school, the salaries of these teachers are also not allowable and the schools have to make their own arrangements for such expenses. It may be said that some of the agencies which run the schools are rich enough and that they can afford to bear this extra expenditure if they want to style their schools as 'efficient schools', but such cases are very few; hardly two or three, or a maximum of five such schools can be counted in the whole of this province which can afford to bear this extra expenditure. A number of schools that are run in the urban and rural areas under private management may not find money to pay for these extras, by way of dearness allowance and so on, which expenditure is not allowable under the grant-in-aid rules. Thus, even though the expenditure has increased considerably, the amount of grant has remained at the same figure.

Now, Sir, let us see the number of schools that are run under private management, the number of pupils studying in them, as also the expenditure that is incurred by them. There are about 20,000 primary schools in the Province of Bombay. I have taken my figures from the 1943 report; and so the number might have increased since then, but the proportion remains the same. Out of 20,000 primary schools in this

[Dr. M. N. Natu]

province, about 50 per cent. are run by the district school boards. Those under non-local authority municipalities or local authorities total about 6,800, which is roughly 7,000, and private or aided schools number about 7,700. Now, looking to the number of pupils in these schools, the total number is somewhere about 16 lakhs, out of which about 7¾ lakhs are in the district school board schools; somewhere about 4 lakhs are in the municipal school board schools; and about 3½ lakhs are in the aided schools. That means, out of a total of 16 lakhs, about 25 per cent. are receiving their education in the aided schools. Therefore, in the matter of primary education, the privately managed schools are taking up on themselves a share to the extent of 25 per cent. and ordinarily they should be able to claim, if not the whole of it, at least a part of the amount of the grant given on primary education in this province. But, Sir, what are they actually getting? The total expenditure on primary education during 1943 was about Rs. 2 crores and about half of it was borne by the district school boards. The schools under local authorities spent about Rs. 85 lakhs and the aided schools run under private management spent about Rs. 40 lakhs. The *per capita* expenditure of the municipal schools was about Rs. 28 out of which Rs. 8 was borne by Government. The *per capita* expenditure of the aided schools was about Rs. 26, out of which Government bore only Rs. 4. Thus it will be seen that if all these 3½ lakhs of pupils are taken over by Government or by the school boards, the expenditure that they will have to bear will be more than doubled. What I am proposing now is that these aided schools should be given at least 60 per cent. of their total expenditure as grant. The total expenditure that these schools will be incurring on each pupil will differ from year to year. It can be seen from the figures that the *per capita* expenditure in privately aided schools is less than the *per capita* expenditure in the municipal school board schools or the district school board schools. However, Sir, I do not want to dilate on this point.

There are certain essential prerequisites for the efficient running of a school. If we look to the pictures and books of foreign countries, we will get an idea of what a primary school should be and in what atmosphere it should be run. I know, Sir, and many of the hon. Members of this House will know, that there are primary schools in this province under the management of municipal school boards or district school boards which have been in existence for more than a century. Even in Poona we have some schools which have been in existence for more than a century. They had their centenary celebrations a few years ago. Even now those schools are housed in such places that they cannot be called school houses in any sense of the term. Of course, it may not be the fault of the school boards; perhaps they have not been able to locate the schools in places with proper surroundings. Similarly, about playground and other equipment there are many difficulties, but if some efficiency is to be brought in in the primary schools run in this province, it can be brought in, at least at this juncture, in the private schools; but these private schools will have to be helped by Government to the

[Dr. M. N. Natu]

extent to which I have just mentioned. It has, however, been found now that these schools are running at a loss. In Poona, Sir, we have got 56 different schools under private management and each and every one of them is for the last two or three years, being run at a loss. The controlling bodies have had to invest not less than two to three thousand rupees a year on these private schools, and during the last three or four years, every Society has spent not less than Rs. 5,000 in running their schools.

It may be asked, Sir, as to why these schools are being maintained if they are running at a loss. These institutions were started with some noble ideas and these noble ideas do not allow the managers to stop the schools. I know that some of the educationists in charge of primary education have expressed their view that if the state of things continues in this fashion and if Government does not come to their aid by way of substantial statutory grants, they will be compelled to stop these primary schools and hand over the pupils either to the municipal school board or to the district school board, as the case may be. I think that it would be a great loss to primary education if some of the best schools are thus forced out of the field by not giving them facilities for running the schools in the way in which they should be run. Unfortunately no new experiments or theories are worked out in the schools run by district school boards or municipal school boards, so far as primary education is concerned. If any new experiments or theories are to be tried, they can only be tried in the private schools. These could be undertaken only if they are assured that they will get good grant to run them in as efficient a manner as possible. For that purpose, I feel that a grant to the extent which I have proposed in my amendment is absolutely essential. I need not stress the point that more efficient schools have to come into existence. The Hon. the Prime Minister described a school and said that it should be possible to establish schools of that type in future in our Province. This object could only be satisfied by schools under private management, at least for the present. Even if some of the schools run by school boards may be of an ideal character in the initial stages, in the process of expansion they are likely to lose their efficiency. So, the next best thing is to help the primary schools run by private agencies.

2-30 p.m.

Sir, I think that I have explained the idea with which I have made this proposal, and I hope that the House will appreciate it. My only plea is that, if we accept the private agency as an agency to run schools, we must help it to run them in as best a manner as possible. But if the private agencies are not enabled to run these schools efficiently, the next best thing to do is to take over all of them. I had a cursory glance through the new Education Act of England which provides for voluntary schools to be taken over by Government under certain conditions. If Government is prepared to take over all these schools, then I think that some of the private agencies, if not all, will be quite willing to hand them over for the purpose of being run by Government itself. If Government wants to take over control of primary education,

[Dr. M. N. Natu]

I am sure that many of the private agencies will be quite willing to hand the school over to Government for being run in the manner it thinks best. This is the attitude of a number of private schools which are being run on the present basis of grant.

Government has not helped private agencies to the extent to which their expenditure has increased. In the case of municipalities, the ratio was given by the Act of 1923. As the expenditure went up, the help from Government correspondingly increased according to that particular ratio. If such a ratio had been fixed in the case of private agencies also at that time, then I think that they would not have had any grudge at all. At present the grudge is there because of the fact that, instead of fixing a ratio, a definite amount has been fixed which has not been increased from time to time. Besides, the rules have not been overhauled. I do not think that I need say anything more. I, therefore, commend my amendment to the House with the hope that it will command the consideration that it deserves. I have no ulterior motive in moving this amendment. I have simply stated the facts as they are, and I hope that the amendment will be accepted by the House.

Dr. K. B. ANTROLIKAR (Sholapur City) : अध्यक्ष महाराज, सन्माननीय सभासद डॉक्टर नातू यांनीं जी उपसूचना सभागृहापुढें मांडली आहे तिला विरोध करण्यासाठीं मी उभा आहें. डॉक्टर नातू आतां ज्या स्कूल्सविषयीं बोलत होते तीं स्कूल्स कोणत्या तरी निराळ्या जगांतलीं असलीं पाहिजेत असें मला वाटतें. मी सोलापूर शहरचा रहिवासी आहे व गेल्या वर्ष सहा महिन्यांत या अॅप्रुव्हड् स्कूल्सच्या कारभाराकडे लक्ष देण्याचा मी प्रयत्न केला आहें. त्या स्कूल्सची परिस्थिति जर मी या सभागृहापुढें मांडली तर माझी खात्री आहें कीं डॉक्टर नातू आपली उपसूचना मागें घेतल्याशिवाय राहणार नाहींत. पुण्याचें दोन भाग आहेत, एक पूर्व भाग व दुसरा पश्चिम भाग. डॉक्टर नातू ज्या स्कूल्सविषयीं बोलत होते तीं स्कूल्स पश्चिम भागांतील असावी अशी माझी समजूत आहे, कारण पूर्व भागांतील स्कूल्सची परिस्थिति अगदीं निराळी आहे.

सोलापूर शहरांत जीं अॅप्रुव्हड् स्कूल्स आहेत त्यांची परिस्थिति जर मी वर्णन करूं लागलों तर तेथें किती अंदाधुंदी चालूं आहे याची सभागृहाला पूर्ण कल्पना येईल. डॉक्टर नातू यांनीं जर कशावर जास्त भर दिला असेल तर तो यावर कीं या शाळामास्तरांना भरपूर पगार मिळत आहे किंवा नाहीं याकडे सरकारनें अधिक लक्ष पुरविलें पाहिजे. या बाबतींत आमच्याकडेहि पुष्कळ तक्रारी येत असतात, व गेल्या सहा महिन्यांत मी या बाबतींत एक अर्ज सरकारकडे पाठविला आहे. या शाळांतील मास्तरांची परिस्थिति अतिशय दुःखद आहे. या शाळांत काम करण्यासाठीं मास्तर लोक १२ रुपयांवरसुद्धां तयार

[Dr. K. B. Antrolikar]

होतात. कमी पगार मिळतो इतकेंच नव्हे तर या शाळांचे चालक मास्तरांना १२ रुपये पगार देऊन त्यांच्याकडून २५ ते ३० रुपये घेतल्याबद्दल पावत्या घेतात. ही परिस्थिति दुःखद असली तरी तो या प्रसंगीं सभागृहापुढें मांडणें जरूर वाटल्यावरून मी मांडली आहे. या शाळांतील मास्तरांची इतकी दैना आहे कीं तिचें वर्णन करणें शक्य नाहीं. एक मास्तर मजकडे आला व हकीकत सांगूं लागला कीं, काय करावें मला कोठें काम मिळत नाहीं व त्यामुळें मी या शाळेंत ८ रुपयांवर मास्तरची नोकरी धरली आहे. सोलापूरला अशीं प्रोप्रायटरी स्कूल्स २५ आहेत व या बाबतींत डॉक्टर नातू यांनीं सांगितलेले आंकडे अगदीं बरोबर आहेत. म्युनिसिपालिटीनें चालविलेलीं ५० स्कूल्स आहेत व अॅप्रुव्हड् स्कूल्स २५ आहेत. म्युनिसिपालिटीच्या शाळेंत एकंदर १२ हजार मुलें शिकत आहेत व या अॅप्रुव्हड् शाळांत ८ हजार मुलें शिकत आहेत. तेव्हां सोलापुरच्या म्युनिसिपालिटीच्या एकंदर शिक्षण क्षेत्रांत हीं अॅप्रुव्हड् स्कूल्स मोठ्या प्रमाणावर भाग घेतात यांत शंका नाहीं, व त्या दृष्टीनें त्या शाळांकडे सरकारनें लक्ष दिलें पाहिजे ही गोष्टहि नाकबूल करून चालणार नाहीं. एवढेंच नव्हे तर या शाळांमधून व्यवस्था कशी काय ठेवली जाते इकडे सरकारनें अधिक लक्ष पुरविणें आवश्यक आहे असें मला वाटतें. या बाबतींत नियम करण्याचा अधिकार या बिलाप्रमाणें सरकारनें घेतलेला नाहीं अशी माझी समजूत आहे. या बिलांतील कलम ६३-ई मध्यें जें म्हटलें आहे कीं "provision for the welfare of the children attending primary schools including provision for the care of their health, for their physical and moral training etc. यांत जर तसा अधिकार घेतलेला असला तर मला माहीत नाहीं, परंतु या अॅप्रुव्हड् स्कूल्सबद्दल नियम करून ज्याला मराठींत स्कू पिळणें म्हणतात त्या दृष्टीनें कांहीं तरी या शाळांचालकांवर प्रेशर आणण्याची व्यवस्था करणें अत्यंत आवश्यक आहे असें मला वाटतें. मघाशीं मी सांगितल्याप्रमाणें ज्या शाळांचे चालक मास्तरांना १२ रुपये पगार देऊन २५ रुपये घेतल्याच्या पावत्या घेतात. या शाळांना ३ हजार रुपयांची तूट येते असें जर त्यांचें म्हणणें असेल तर त्यांच्या कारभाराविषयीं एक प्रकारची चौकशी करणें जरूर पडेल अशी मला साधार भीति वाटते. हीं जीं प्रोप्रायटरी स्कूल्स म्हणून मी आतां सांगितलीं त्यांच्या चालकांचें मुख्यतः लक्ष जर कोठें असेल तर या शाळांपासून शक्य तितका जास्त पैसा कसा मिळवितां येईल याकडे असतें. हीं स्कूल्स पहिल्या प्रथम कशीं सुरू झालीं याचा इतिहास थोडक्यांत सभागृहाला सांगितला तर मला वाटतें फारसें वावगें होणार

Dr. K. B. Antrolikar]

नाही. सोलापूर हें प्रामुख्यानें व्यापारी शहर आहे व त्या दृष्टीनें या शाळांतून मुलांना मोडी लिहितां-वाचतां येणें व हिशोब ठेवतां येणें अवश्य असल्यामुळें या विषयांवर जास्त लक्ष दिलें जातें. त्यामुळें तेथील पुष्कळ लोकांनीं आपल्या मुलाला थोडेसे व्यापारी शिक्षण मिळावें या हेतुनें या शाळांत मुलांना पाठविण्यास सुरुवात केली. अशा रीतीनें या शाळांच्या चालकांनीं या शाळांवर व्यापार करण्यास सुरुवात केली व सरकारकडूनहि ते पुष्कळसा पैसा मिळवीत आहेत. अर्थात ज्या सोसायट्यांच्या शाळा आहेत त्यांच्यांबद्दल मला कांहीं बोलावयाचें नाही, कारण अशा पुष्कळ शाळा चांगल्या रीतीनें चालविल्या जात आहेत हें मला मांहीत आहे. पण सोलापूरमध्यें मी जीं २६ अॅप्रुव्हड् स्कूल्स सांगितलीं त्यांपैकीं ९ सोसायट्यांचीं आहेत व २० प्रोप्रायटरी म्हणजे एका माणसाच्या मालकीचीं व त्यांच्या तंत्रानें चालविली जाणारीं अशीं स्कूल्स आहेत. डॉक्टर नातू यांनीं सांगितल्याप्रमाणें इंग्लंडमध्यें हीं स्कूल्स सरकारनें आपल्या ताब्यांत घ्यावींत अशी ज्याप्रमाणें सूचना केलेली आहे त्याप्रमाणेंच आपल्याकडील हीं प्रोप्रायटरी स्कूल्स सरकारनें आपल्या ताब्यांत घेण्याची वेळ आली आहे असें विधान करण्याचें मी धाडस करतों. आज सर्व प्रायमरी शिक्षणाची जबाबदारी आपल्या अंगावर घेण्यास सरकार तयार झालें आहे, पण हें तत्त्व या प्रोप्रायटरी शाळांना सर्वांत आगोदर लागू करण्यांत यावें अशी सरकारला माझी विनंति आहे.

या शाळांतील मास्तरांनीं व चालकांनीं मुलांकडे व्यक्तिशः लक्ष द्यावें व नसें दिले जातें या भावनेनें पालक या शाळांत आपलीं मुलें पाठवितात. पण प्रत्यक्ष परिस्थिति पहावी तर अगदींच निराळी आहे असें आपणांला दिसतें. थोड्या दिवसांपूर्वी अशाचा एका शाळेंतील मुलाला कांहीं कारणावरून खोडा घातला गेला होता अशी माहिती मला मिळाली आहे. पुण्यांत ज्याप्रमाणें पूर्व भाग आणि पश्चिम भाग असे दोन भाग आहेत त्याप्रमाणें व सोलापूरमध्येंहि आहे. या पूर्व भागांत सर्वसाधारणपणें हातमाग विणकऱ्यांचा जास्त भरणा आहे. हे लोक बहुधा आंध्र देशांतील आहेत. या लोकाना सर्व दिवसभर काम असल्यामुळें आपल्या व्यवसायांतील एक अडचण नाहीशी करावी व मुलें कांहीं तरी चांगल्या मार्गांत असावींत अशा भावनेनें हे लोक आपल्या मुलांना या शाळांत घालतात. पण या मुलांची काळजी घेण्याऐवजीं ह्या शाळांतील मास्तर त्यांना शिक्षा म्हणून खोड्यांत ठेवतात अशी कांहीं शाळांची परिस्थिति आहे. मघांशीं मी सांगितल्याप्रमाणें कमी पगार देऊन जास्त पगारावर सह्या घेणें व कांहीं मामुली खोड्या केल्यावद्दल विद्यार्थ्यांना खोड्यांत घालणें हे प्रकार

[Dr. K. B. Antrolikar]

सांगायला मला खरोखर खेद होतो. आजच्या जमान्यांत अशा प्रकारचीं स्कूल्स आणि तीं चालविणारीं माणसें असावींत ही खरोखरच दुर्दैवीच घटना म्हटली पाहिजे. तेव्हां माझी अशी सूचना आहे कीं या शाळांचा प्रत्यक्ष किती खर्च होतो यावर जास्त लक्ष ठेवलें जाईल अशी व्यवस्था करण्यांत यावी. या बाबतींत मी जें रिप्रेझेंटेशन सरकारकडे पाठविलें आहे त्यांत ही गोष्ट स्पष्टपणें मांडली आहे. ही गोष्ट म्युनिसिपालिटी-या अधिकारांतली आहे, तिकडे लक्ष देण्याची जरुरी नाहीं असें आतां म्हणून चालणार नाहीं. ह्या शाळा मुलांकडून ८ आण्यापासून ३ रुपयांपर्यंत फी घेतात व सरकारकडून जास्तींत जास्त पैसा मिळावा किंवा मिळणाऱ्या ग्रांटमध्यें कमतरता येऊं नये म्हणून शाळेचा जो खेर्च होतो तो बरोबर दाखविला जात नाहीं. म्हणून स्कूल बोर्डांनीं या बाबतींत काळजी घेतली पाहिजे आणि सरकारनें स्कूलबोर्डांना या बाबतींत योग्य ती काळजी घ्यायला लावली पाहिजे असें माझें आग्रहाचें सांगणें आहे.

मी अशा एका शाळेंत गेलों असतांना मला असें दिसून आलें कीं मुलांना बसण्यासाठीं अशी कांहीं जागा होती कीं मला त्या जागेंत इकडच्या बाजूहून दुसऱ्या बाजूला जातां येणें अशक्य होतें. अशा परिस्थिति असतांना सरकारी अधिकारी काय करतात समजत नाहीं. ते या बाबतींत जितकें लक्ष घालावयास पाहिजे तितकें घालीत नाहीं हें उघड दिसतें. ज्या वेळीं सरकारी अधिकारी शाळा तपासणीसाठीं जातात त्यावेळेपुरतीं विद्यार्थ्यांची बसण्याची व्यवस्था निराळ्या ठिकाणीं करण्यांत येतें किंवा काय समजत नाहीं. तेव्हां अशा स्कूल्सची ग्रांट वाढविण्यांत यावी ही सन्माननीय सभासद डॉक्टर नातू यांची उपसूचना मान्य करण्यांत आली तर मला असें वाटतें कीं, अयोग्य कारणासाठीं मदत केल्यासारखें होईल. तसें होऊं नये अशी माझी फार इच्छा आहे. मी एका शाळेंत गेलों होतों तेव्हां त्या शाळेंत विद्यार्थ्यांकडून किती फी घेतली जाते अशी चाकशी केली तेव्हां मला असें आढळून आलें कीं, तेथील चालकांनीं आणि मास्तरांनीं विद्यार्थ्यांना असें शिकवून ठेवलें आहे कीं. तुम्हीं किती फी देतां तें कोणी विचारलें तर सांगू नका. आतां या शाळांना शाळा म्हणावयाचें किंवा काय म्हणावयाचें हेंच समजत नाहीं. बाहेरचा कोणी मनुष्य आला तर त्याच्याशी खरें बोलूं नका अशी शिकवण ज्या शाळांमधून मुलांना दिली जाते अशा शाळा ॲप्रुव्हड् शाळांच्या लिस्टामध्यें या पुढें तरी राहाव्यात असें मला वाटत नाहीं. तेव्हां सन्माननीय सभासद डॉक्टर नातू यांनीं जी उपसूचना आणली आहे ती पुण्याच्या किती भागाला लागू पडेल याबद्दल मला शंकाच वाटते. पुण्यांतील एडेड स्कूलच्या शिक्षकांचें

[Dr. K. B. Antrolikar]

ण्यांत एक युनियन आहे. या युनियनच्या लोकांशीं मी त्या शाळांच्या परिस्थितीविषयीं चर्चा करीत असतांना मला अस असें आढळून आलें कीं, मी सोलापूरची जी हकीकत सांगितली तशीच पुण्यांतील शाळांचीहि हकीकत आहे. हा प्रश्न केव्हांतरी सभागृहापुढें येऊन चर्चा व्हावयास पाहिजे होती. तो प्रसंग सन्माननीय सभासद डॉक्टर नातू यांनी आज उपसूचनेच्या रूपानें आणला याबद्दल मी त्यांना धन्यवाद देतों. पण या बाबतींत मला अजूनहि असें वाटतें कीं या शाळांच्याविषयीं कांहीकोरे नियम करून ते अमलांत येतात किंवा नाहीं, या शाळांच्या कागदोपत्रीं जो पगार शिक्षकांना दिला म्हणून असेल तितका पगार खरोखरींच शिक्षकांना दिला जातो किंवा नाहीं वगैरे बाबतींत लक्ष देणें अत्यंत आवश्यक आहे.

मला आणखी एक सूचना करावयाची आहे आणि ती अशी कीं या अॅप्रुव्हड् शाळांकडून शिक्षकांना जो पगार दिला जातो तो तेथील म्युनिसिपालीटी किंवा स्कूलबोर्डाचा जो अॅडमिनिस्ट्रेटिव्ह ऑफिसर असेल त्याच्यातर्फे दिला जावा आणि तेवढा रक्कम त्या शाळांना जी ग्रांट द्यावयाची त्यांतून कमी करून दिली जावी. असें केलें म्हणजे शिक्षकांच्या पगारांविषयीं गोंधळ होण्याला वाव राहणार नाहीं. अशी व्यवस्था होणें शक्य नसेल तर मी असेंहि म्हणावयास तयार आहे कीं या शाळा आजिबात बंद केल्या तरी कांहीं हरकत नाहीं. म्युनिसिपालिटी किंवा सरकार या शाळांकडे आत्मीयतेनें पहातें यांचें मुख्य कारण असें कीं त्यांच्याद्वारा शिक्षणाच्या कामांत थोडासा हातभार लागावा आणि साक्षरतेंत भर पडावी. सोलापूरचेंच उदाहरण घ्यावयाचें झालें तर ८ हजार मुलें अॅप्रुव्हड शाळांमधून शिक्षण घेत आहेत, हें पाहिलें तर त्यामुळें सरकारची पुष्कळच जबाबदारी ह्या शाळा उचलीत आहेत. पण त्या शाळा ज्या तऱ्हेनें चालविल्या जात आहेत त्या परिस्थितींत त्यांना अजूनसुद्धां दयार्द्र बुद्धीनें मदत करणें म्हणजे चुकीच्या मार्गानें जाण्यासारखें होणार आहे असें मला अंतःकरणापासून वाटतें. या परिस्थितीला आळा घालावयाचा तर मला दोनच मार्ग सुचतात; पहिला म्हणजे एकतर ह्या शाळा बंद करून टाकाव्यात नाहीं तर त्यांच्या बाबतींत असे कडक नियम करण्यांत यावेत कीं त्यांमुळें या शाळांच्या हल्लींच्या अंदाधुंदीच्या कारभारांत योग्य ती सुधारणा होईल. या शाळांची खरी स्थिति काय आहे तें सभागृहाच्या नजरेस यावें व त्यांच्या बाबतींत योग्य असें धोरण स्वीकारण्यास सरकारला मदत व्हावी या बुद्धीनें मी माझे विचार सांगितले आहेत व या सर्व परिस्थितीचा विचार केल्यानंतर सान्माननीय सभासद डॉक्टर नातू यांनी आणलेल्या उपसूचनेला

[Dr. K. B. Antrolikar]

विरोध केल्याशिवाय मला गत्यंतर नाही. तेव्हां त्या उपसूचनेला विरोध करून मी आपलें भाषण पुरें करतों.

Mr. POPATLAL R. SHAH (Poona West): अध्यक्ष महाराज, सन्माननीय सभासद डॉ. नातू यांनी जी उपसूचना आणलेली आहे तिला विरोध करण्याकरितां मी उभा राहिलों आहे. पण हा विरोध करतांना वस्तुस्थितीकडे दुर्लक्ष होऊं नये हा माझा हेतु आहे. सन्माननीय सभासद डॉ. अंत्रोळीकर हे एक प्रमुख कार्यकर्ते आहेत, सार्वजनिक कार्य करण्याची त्यांना तळमळ आहे आणि अलीकडे त्यांना या शाळांकडे पहाण्याला सवड मिळून त्याच्याकडे लक्ष देण्याचें त्यांनी ठरविलें आहे ही गोष्ट मला माहीत आहे. या बाबतींत त्यानीं आपला अनुभव सन्माननीय सभागृहापुढें ठेवला त्यामागें चांगलाच हेतु असणार यांत हि मला शंका वाटत नाहीं. पण मला असें सांगायचें आहे कीं अप्रुव्हड शाळांचें त्यांनीं जें भडक वर्णन केलें त्यामुळें गैरसमज होण्याचा संभव आहे. या प्रश्नाबाबत सोलापूर जिल्ह्यांत काय परिस्थिति आहे त्याबद्दल बोलण्याचा मला अधिकार पोहोंचत नसला तरी पुण्याच्या बाबतींत संपूर्ण आणि सत्य हकीकत सांगण्यांत आली नाहीं ही गोष्ट मी सभागृहाच्या नजरेस आणूं इच्छितों. पुण्याच्या बाबतींत बरोबर माहिती दिली नाहीं म्हणून मी त्यांना दोष देत नाहीं, पण वस्तुस्थिति तशी नाहीं हेंच मला मुख्यतः सांगायचें आहे. आज एखादा साहेब आपणांवर राज्य करीत असतां आणि त्यानें म्हटलें असतें काय ही अंदाधुंदी तुमच्या कारभारामध्यें ? तुम्हाला अक्कलच नाहीं, तर ती गोष्ट मी फारशी मनावर घेतली नसती, पण डॉ. अंत्रोळीकर यांच्यासारख्या स्वकीयानें तसें वर्णन करणें योग्य नाहीं असें मला वाटतें. या शाळांच्या कारभाराबर टीका करण्यापूर्वी त्यांच्या चालकांची आर्थिक परिस्थिति काय आहे याचा विचार करणें अत्यंत जरुरीचें आहे. याचा विचार केल्यास त्या परिस्थितींत सुधारणा करण्याकडे लक्ष देणें जरुर आहे असें डॉ. साहेबांनाहि वाटल्याशिवाय राहणार नाहीं. जे शाळामास्तर किंवा शाळाचालक स्वतःच्या पोटासाठीं म्हणून हा धंदा करीत असतील अशा प्रोप्रायटरी शाळांबद्दल सरकारला जेवढें कडक धोरण स्वीकारतां येईल तेवढें स्वीकारावें, त्याबद्दल माझें कांहीं एक म्हणणें नाहीं. पण शाळाचालक १२ रुपये मास्तरला पगार देऊन त्याच्याकडून २५ रुपयांची पावती घेतात. याच्यामागें जी वस्तुस्थिति आहे तीच या गोष्टीचा सहज उलगडा करूं शकेल. असें करायला त्या शाळा चालकांना कोण आणि कसें भाग पाडतें याचा विचार आपण केला पाहिजे. प्राथमिकशिक्षण व्यवस्थित चालावें व त्यायोगें आदर्श नागरिक तयार व्हावेत अशा हेतूनें शाळा

[Mr. Popatlal R. Shah]

चालवीत असतांना कोणकोणत्या अडचणी त्यांच्या मार्गात आहेत याचा विचार केला असता त्याच्या बाबतींतले आपलें धोरण डॉ. आंत्रोळीकर बदलल्याशिवाय राहणार नाहींत अशी मला खात्री वाटतें. या शाळांकडून मास्तरांना १२ रुपये पगार दिला जातो ह जरी सत्य असलें तरी १२ रुपये पगार ते शाळाचालक कां देतात तर त्यापेक्षां जास्त द्यायला त्यांच्यापाशीं पैसा नसतो म्हणून, आणि पैसा कमी पडला तर डोनेशन देणारीं माणसें मिळत नाहींत. अशा परिस्थितीमुळें या शाळा कांहीं ठिकाणीं चालविणें अशक्य असतें व या उपर त्या चालवायचा प्रयत्न केला तर त्यांत काय यमयातना असतात त्या अशी एकादी शाळा चालवायला प्रत्यक्ष घेतल्याशिवाय कळणें शक्य नाहीं.

पूर्व आणि पश्चिम भाग असा वाद आपण आतां विसरलें पाहिजे, कारण आपण आतां स्वतंत्र हिंदुस्थानमध्यें आहोंत. तेव्हां असा वाद करीत बसण्यापेक्षां संबंध प्रांताच्या दृष्टीनें विचार करून या शाळांना भासणाऱ्या अडचणी कशा दूर करतां येतील त्याचा विचार करण्याची आज वेळ आली आहे. या बाबतींत ज्यावेळीं नियम करण्यांत आले त्यावेळींच ह्या सूचना करतां आल्या असत्या तर फार चांगलें झालें असतें. स्वतंत्रपणें उपसूचना न करतां आतां केल्या हें अयोग्य झालें असें माझें म्हणणें नाहीं. या अडचणी उपसूचनांच्या द्वारा चालू सभागृहापुढें मांडल्या त्यापेक्षां आपलें काय म्हणणें असेल तें नियम करण्यापूर्वी सरकारला लिहून कळविलें असतें तर त्याचा उपयोग जास्त झाला असता एवढेंच माझें म्हणणें आहे.

या शाळांतील शिक्षकांना जे पगार दिले जातात ते स्कूलबोर्डामार्फत दिले जावेत एवढीच एक डॉ. आंत्रोळीकरांनी केलेली सूचना आहे कीं ज्यांत त्यांच्या कळकळीचें लक्षण दिसून येतें. स्कूलबोर्डांनी पगार द्यायचे आणि त्यांना देण्यांत येणाऱ्या ग्रांटमधून तेवढी रक्कम कापून घ्यायची ही सूचना ठीक आहे, पण असल्या संस्था चालवितांना पैसा कमी पडतोच व तो मागण्यासाठीं लोकांकडे गेलें म्हणजे कोणकोणत्या गोष्टींना चालकांना तोंडें द्यावीं लागतात याचा अनुभव त्याच्या वंशाला गेल्याशिवाय कळणें शक्य नाहीं.

त्यानंतर अशी एक तक्रार करण्यांत आली कीं, सरकारकडून मिळणारी ग्रांट कमी होऊं नये म्हणून जास्त फी घेत असतांनाहि कोणी विचारलें तर कमीच फी देतों असें सांगण्यास या शाळाचालकांकडून शिकविण्यांत येतें. या बाबतींत मला असें सांगावयाचें आहे कीं आज विसाव्या शतकांत अशा गोष्टी होणें अशक्य आहे. जरा कोठें कमी जास्त झालें कीं मुलांचे पालक वरच्या

[Mr. Popatlal R. Shah]

अधिकाऱ्यांकडे तक्रार करूं शकतात. आज वर्तमानपत्रांचें युग आहे आणि वाटेल तो मनुष्य अशा तक्रारी चव्हाट्यावर आणूं शकतो.

तीन चार शाळा चालविण्याचा मला अनुभव आहे. तो असा की जर थोडसें चुकलें कीं शाळेचा मास्तर किंवा त्या शाळेचें काम करणारीं माणसें ताबडतोब आपल्या तक्रारी वरच्या अधिकाऱ्यांकडे नेतात, आणि जर एकादेवेळीं पगार एक रुपयानें कमी दिला गेला असला तर सगळा पगार त्या माणसाला ताबडतोब देण्याची व्यवस्था करण्यांत यावी असें स्कूल बोर्डाकडून लिहून येतें. वरचे अधिकारी या बाबतींत जागरूक असतात. कारण त्याचे हात नियमांनीं बांधले गेले असल्यामुळें ते या बाबतींत कांहीं करूं शकत नाहींत. पण सरकार तरी या बाबतींत कांहींतरी सुधारणा करील अशी मी आशा करतों व ते काय करणार, तें सरकारतर्फे ऊत्तर दिलें जाईल तेव्हां आपणाला समजेल. तेव्हां वस्तुस्थिति नीटपणें लक्षात न घेतां या शाळांची उगाच निर्भत्सना करून त्यांच्या दुःखावर डागण्या देणें इष्ट नाहीं असें मला वाटतें. समाजांतील एखादा मनुष्य बदमाष असला म्हणून सगळा समाज बदमाष होऊं शकत नाहीं. ह्या शाळा चालविणाऱ्यांना काय हाल सहन करावे लागतात याची नीट चौकशी करून त्यांच्या प्रयत्नांत हातभार लावण्याचा प्रयत्न होणें आवश्यक आहे. त्यांना मदत करण्याची मुळींच जरुरी नाहीं असें म्हणून भागणार नाहीं. कित्येक माणसें हौसेनें व धडाडीनें काम करण्यास पुढ येणारीं आहेत. वरचें खावून लष्करच्या भाकऱ्या भाजणारीं व अशा शाळा चालविणारीं पुष्कळ माणसें आहेत. आपल्या जीवनांत आपल्या हातून सार्वजनिक कार्य व्हावें अशी तळमळ आणि कळकळ बाळगणारीं माणसें पुढें आलीं तर पगारदार माणसांपेक्षां जास्त उपयुक्त ठरतात. मात्र त्यांना प्रोत्साहन लागतें. तें प्रोत्साहन देण्यास आपलें सरकार पुढें येईल असा विश्वास असल्यामुळें या उपसूचनेची जरूर नाहीं असें मला वाटतें, व म्हणून डॉ. नातू यांनीं ही उपसूचना आणली आहे तिला विरोध करून मी आपलें भाषण पुरें करतों.

Mr. S. A. DANGE (Bombay City and Suburban Textile Unions): Sir, I am rising in order to oppose the whole clause 39. Therefore the question—

The Hon. the SPEAKER: Order, Order! The whole clause 39 will come for consideration before the House later on. Now, the amendment is before the House. If the hon. Member wants to speak on the amendment, he may do so.

Mr. S. A. DANGE: Shall I then discuss the clause at that time?

The Hon. the SPEAKER: The clause will be considered later on after the amendment is disposed of.

Dr. M. N. NATU : Sir, I am very glad that both the hon. Members who spoke after me helped me to a very great extent, even though they tried to oppose the amendment. My hon. Friend Dr. Antrolikar has raised a number of points. Sir, my only question is : Who is responsible for styling them as recognised aided schools ? The officers of the Government, and the officers of the so-called efficient municipal school boards or district school boards are equally responsible for allowing these schools to be run in the manner in which the hon. Member has depicted them. I for one cannot think that they should be allowed to play with primary education for a moment. I do not want any institution whatsoever, whether it is proprietary, privately managed, or run by a district or municipal school board or even by Government, to play with primary education any more, now that the Hon. Prime Minister is trying to see that primary education which is a basic education is going to be provided for every child in the province. If any mischief has been done, or if the system of primary education has been played with, it is not the teacher or the proprietor who alone has to be blamed ; the District Inspecting Officer, the Educational Inspector, the Assistant Educational Inspector and the whole rank and file of these officers are equally to be blamed. It was entirely in their hands up to now—it is so now and it will be so even under the scheme of things that I contemplate—to stop the working of the schools the moment they came to know that some mischief was being done. I do not at all stand for proprietary schools. I entirely agree with the hon. Member Dr. Antrolikar that all these proprietary schools should be taken over by Government immediately. I do not want any profit to be made by anybody in the field of education. I have never said that education should be made a business proposition, and I will never say so. On the other hand, if any school is found to be run with a view to earning profits, I would say that all the profits earned by that school should be confiscated and the authorities punished for having made profits out of education. But where a school is run without any motive to earn profits, where an individual or an institution is even spending money out of his or its resources with self-sacrifice and service to the community as the motive, I think it but meet for Government to go to the farthest extent to help the individual or institution in the interest of the cause of giving basic education to the children of our province. And it is entirely with that motive that I have moved this amendment. I wish the hon. Member Dr. Antrolikar had read the latter part of my amendment. I have clearly stated therein that the grant-in-aid is to be paid only if the authorities of the school concerned agree to pay to the staff of teachers and servants the rates of pay and allowances as are fixed from time to time by the Provincial Government. The grant-in-aid will be paid only if this condition is satisfied ; not otherwise.

3-00 p.m.

Sir, courtesy demands that I should not expose—and I do not want to expose—what is being done in schools which are not managed by private agencies. I think most of us—and when I say most of us, I mean almost every one of us—know what all things are being done in schools which are not managed by private agencies. And it is because

[Dr. M. N. Natu]

Government knows what is happening in these schools that they are attempting for the second time to take upon themselves the responsibility for imparting primary education by making it a centralised subject. Even in the second attempt education is not being fully centralised. A part of it is being handed over to the district local boards and municipalities in the pious hope that they will do much better than what they did under the Primary Education Act of 1923. If any student was punished in an inhuman manner, I would say that it was the fault of the system of training our teachers. We are not concerned here with the training of the teachers as such. One can say quite a lot on this aspect of the question, but I am not concerned with it at the moment. Private aided schools are unable to engage fully trained or good teachers because many a time they are unable to pay the higher salaries which alone would attract good teachers. Therefore, some of these schools have to appoint teachers who are not up to the mark, and it is these teachers who resort to inhuman methods of punishment. The schools appoint such teachers simply because they do not have the necessary finance to employ better teachers.

I am thankful to the hon. Member Mr. Shah for giving a proper reply to the hon. Member Dr. Antrolikar. I know that my hon. Friend Mr. Shah is in actual contact with the day to day affairs of some of the schools in what the hon. Member Dr. Antrolikar called the east side of Poona. East side of Poona ! Yes, in the past we used to discuss things in terms of the east side of Poona and the west side of Poona, but the time is fast vanishing when we can talk in those terms. I entirely agree with the hon. Member Mr. Shah that we should forget the days when there were discussions in terms of the east and the west of Poona. We at least are trying to forget those days, and I may tell my hon. Friend Dr. Antrolikar that even in the east of Poona some of the institutions that are coming up now are actually of the type which are there in the west. Sir, it is a happy feature in the history of education at least of Maharashtra that self-sacrifice and service to the community predominated in starting a number of private institutions. A number of private institutions were started by mere primary school teachers. I know of a case of a primary school teacher who was in municipal school service. He left the municipal service with the sole idea of helping the betterment of the education of our children. He started a primary school in one of the out of the way places in Poona and gathered around him a band of young and enthusiastic men who had the qualities of self-sacrifice and service. It was one of the best schools in Poona. The teachers called themselves life members of the institution, and took the lowest possible salaries. They ran the school for a number of years, and they got it approved by the Government and the municipality as an A class school, The spirit with which people came forward to serve on a meagre salary. just sufficient to enable them to keep their body and soul together, was a spirit of self-sacrifice and service. There are many proprietors with this spirit. If some of them have resorted to methods of giving a lower pay to their teachers and getting signatures for higher amounts,

[Dr. M. N. Natu]

it was because they were forced to do it. The reason for resorting to such practice was the clear method of arriving at the amount of the grant-in-aid to be paid to the institutions based on the expenditure and income. This method has been a peculiar one. The school authorities have to show that their expenditure is increasing in order to entitle them to get grant-in-aid. If the method were not so, if it were laid down that the grant-in-aid would be paid on a *per capita* basis provided the schools were conducted and managed to the satisfaction of Government, I am sure that these proprietors would not have resorted to the method of giving a lower pay to their teachers and getting signatures for higher amounts. They did it only bacause the method of arriving at the grant-in-aid was faulty; and my idea in putting into the statute a definite figure of grant-in-aid is only to wean them from resorting to such methods. The schools under local boards and municipalities have been assured of a definite contribution, and that contribution is prescribed in the statute. Likewise, the schools under private management should be given an assurance that provided they carry on the administration of the schools in the manner prescribed by Government they will be entitled to a certain grant-in-aid. It has been argued that this has been provided by the rules. Yes, I have seen the provision for the payment of grant-in-aid. "The manner in which grant-in-aid is to be given to such approved schools shall be as prescribed." That is the provision. I have not only read it but discussed it with a number of educationists. I remember my discussions with the great educationist, the late Mr. M. R. Paranjpe. He was a student of education in our province and an educationist of great fame. He was fighting all his time for higher grants for these private-aided schools. He made strenuous attempts to bring home to Government the necessity of granting more liberal grant-in-aid to private institutions on a statutory basis, but he did not succeed. And today, as I said in my opening remarks on this amendment, the maximum *per capita* grant given to private institutions remains the same, *viz.*, Rs. 10. Sir, this Bill provides that agencies other than private agencies shall receive such and such grant, and I think it would only be doing justice to private institutions which have been doing good work for so many years if they are assured of 60 per cent. of the total annual expenditure incurred by them by way of grant. This will encourage them to do more and better work. I do not say that the schools should be allowed to spend any amount in any manner they like and demand 60 per cent. of their annual expenditure. What is proper expenditure can be determined by rules prescribed in that behalf. After all, the power to make rules rests with Government, and I am sure it will make such rules as would further the cause of primary education. Sir, my only point is that there should be a specific statutory provision in the Bill to the effect that private agencies will receive such and such grant, as has been done in the case of the other agencies.

[Dr. M. N. Natu]

I am very glad that this question has been discussed at length in this House, and I am grateful to the hon. Members who participated in the debate. The discussion has, I am sure, brought to the notice of Government the plight in which private institutions are working and are forced to practise unfair methods for want of funds. It is the duty of Government to help them stop these unfair practices by giving more liberal grants. I commend my amendment for the acceptance of this House.

Mr. B. G. KHER (Prime Minister): Sir, the object of this amendment is to provide statutorily that some minimum grant should be paid to approved schools run under private management. Clause 39 deals with the recognition of, and grants to, approved schools under private management. I am grateful to the hon. Member who has moved this amendment, for it has provoked a very interesting debate. We are aware that a very large number of children attend these approved schools and there is no question of our discouraging or abolishing them altogether. But at the same time Government regrets its inability to lay down in this statute the minimum grant that must be paid to these approved schools.

Rule 89 of the Bombay Primary Education Rules, 1924, deals with grants. It reads:

"The grant which may be awarded in any year to an approved class A school shall be based on the average monthly number of pupils on the rolls in the preceding year *i.e.*, on the average number of pupils on the rolls on the 15th day of each month of the year, and shall be subject to the following maxima:—

(a) The capitation grant for each pupil shall not exceed two-thirds of the average recurring cost of each pupil in the schools maintained and managed by the local authority in the preceding year and shall also be subject to a maximum of Rs. 10 per pupil. This maximum may be raised to Rs. 12 if no fees are charged in the school."

Now let us see how it works in practice. Suppose there are 100 boys and four teachers in a school. Taking the average salary of a teacher at Rs. 50 per month the annual expenditure on the salary of four teachers will be Rs. 2,400. Then let us suppose that the school has to spend some Rs. 200 annually on account of miscellaneous matters. Then, the total expenditure of the school will be Rs. 2,600 a year. On the side of income, let us suppose that the school earns Rs. 300 a year by way of fees. Deducting this amount from the expenditure, the net expenditure of the school will be Rs. 2,300 a year. Then the maximum capitation grant that the school will receive will be Rs. 1,000 and, if it does not charge any fees, Rs. 1,200. So this is, in short, the financial position of grants to approved schools.

We have been presented with two aspects of the question by the speeches of the hon. Members Dr. Antrolikar and Mr. Popatlal Shah, respectively. We have been told by the hon. Member Dr. Antrolikar how fictitious names of children are entered in the rolls and how bogus salary sheets are made out and so on. No doubt, we deplore these unfair practices.

[Mr. B. G. Kher]

The hon. Member Mr. Popatlal Shah showed us the other side of the picture. Every question has two sides. There is no reason why we should not encourage approved schools under private management so long as we are not ourselves able to provide a sufficient number of schools for all areas. We must give them grants and see that good use is made of them. No doubt, we shall take every care to see that they are properly utilised. If Government is unable to open schools itself and if private agencies run schools properly then Government must encourage primary education by giving liberal grants to private schools. The hon. Member Dr. Natu complains that the *per capita* grant of Rs. 10 is inadequate. If that is so, Government will certainly consider whether it can be increased. But all I want to say is that it is not possible for Government to agree to fix a statutory minimum of 60 per cent. as is suggested by the hon. Member in his amendment. The facts that have emerged out of this discussion will certainly be taken into consideration by Government at the time of framing the rules. The hon. Member Dr. Antrolikar thought that there was no provision in section 63 for making rules determining the grants to be given to approved schools. That is not correct, because there is provision for it in clause 39 itself, and in framing the rules, as I said before, all the facts that have come to light during this discussion will be borne in mind and given due consideration. I should personally certainly like that grants are increased in deserving cases. I should also like that there should be strict supervision and inspection to put a stop to the malpractices to which the hon. Member Dr. Antrolikar drew attention. But it is very easy to find fault with the administration. Before we blame private agencies we must try to improve our district and municipal school boards. We must see that they are efficiently working. Government is really anxious to improve the efficiency of all schools.

Lastly, I would like to point out to the hon. Member that it is not going to be very useful to fix the minimum grant statutorily, because even after doing that if Govenment is unable to pay the money, what useful purpose will it serve? If Government is unable to pay grants, then it may refuse recognition to schools, and that is not going to help us. I think that the assurance that due consideration will be given to the facts that have emerged out of this discussion while framing the rules is quite sufficient, and I would, therefore, request the hon. Member not to press his amendment.

Dr. M. N. NATU : Sir, in view of the explanation given by the Hon. the Prime Minister, I beg leave of the House to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. the SPEAKER : Clause 39 is now before the House for discussion.

Mr. S. A. DANGE (Bombay City and Suburban Textile Unions): Sir, I rise to oppose this clause as a whole, because it does not square

[Mr. S. A. Dange]

with the educational policy which a Government like the one we have should follow. The raw material for my opposition to this clause has been provided by the hon. Member Dr. Antrolikar himself. Although what he said has been contradicted by another hon. Member of his Party, the raw material provided by the hon. Member Dr. Antrolikar stands unchallenged. In fact, I should have expected that, on the basis of the information that is available to Government in the matter of these approved schools, these institutions would be abolished altogether. I stand for the abolition of these approved schools altogether. No grants should be given to them at all and they should be taken over by Government outright. Are we not going to enunciate a new approach to the problem of education in this country? Is education going to be made a subject-matter of the whims, careers or self-sacrifices of private individuals, or is it going to be taken over by the State which now claims to function or is supposed to function in the interest of the people alone? That is the main problem. If we decide on this problem in the affirmative, then these approved schools ought to go. If, on the other hand, we decide to keep these schools, then we are not taking a proper decision on that problem.

Now, Sir, what does the hon. Member Dr. Antrolikar's raw material show? When private enterprise begins to invade the field of education, learning will go into the black market. This is the conclusion of his raw material. And why? Not because the founders of the institutions were bad people. Who could say that Lokamanya Tilak and Agarkar, who started this patriotic movement, were bad people? But 1947 is not 1880. The presiding deities of the modern educational structure are not Tilak or Agarkar; nor is society the same and environments the same. Everything has changed. Therefore, there should be a radical change in our approach towards education. Education should not be made a subject of private enterprise. The evils that we find in the running of these approved schools spring from several factors. The first is that the people who take to the teaching profession take it as a means of earning their livelihood. It is now one of the trades in society. It is useless to talk about self-sacrifice, giving spritual education and bringing up a model generation of people that would run the country, and so on. It may be that one or two teachers, whom possibly the others may be considering as madcaps, go into the profession with that idea, but generally it is not the case. Now, out of the 40,000 primary teachers under the municipalities and local boards, and 12,000 or so in private institutions, how many are there who would really want to stick to their profession just for sacrifice? If there was a better paid alternative employment, they would have surely left their profession, rather than fight a strike to get better pay; just because there is no other alternative employment, they stick to their profession. It is one of the forms of earning their livelihood, and earning one's livelihood is not a crime. A man must earn his livelihood through some trade, and certainly teaching

[Mr. S. A. Dange]

is a good trade, but, at the same time, to clothe the whole thing with a halo of spirituality is sheer absurdity. So, let us not refer to Tilak or Agarkar and judge the institutions from the point of view of the sacrifices of teachers, but let us judge them from a purely objective point of view.

Let us now see the origin of these approved schools. The British Government did not want the Indian people to develop and, therefore, they would not give us education. There was a fundamental contradiction between the Government and the people and, as education is one of the means of establishing a democratic rule in the country, the British Government did not want it. That is why the founders of institutions in 1880's became patriots and the founders of institutions in 1947 become black marketeers. [*Laughter*]. When there was a contradiction between the Government and the people, one of the methods of the expression of that contradiction was to fight for education. So, those people who came out of the schools trained other people, and many of those institutions did produce patriots at that time, though now the rate of "patriot production" is going down! Then gradually, as a result of the pressure of people's agitation, the Britishers allowed them local self-government, with the right to build some of the roads and put some lights here and there. When people asked for education, they were told that the Government could not bear any expenditure on education and they had no funds. Government were spending about 60 per cent. of the revenues of the country on maintaining an army to shoot us. The money realised from taxation was spent on maintaining a force against the people, and education was starved. When people clamoured Government agreed to give "grant-in-aid" to education, if the people in the self-governing municipalities wanted education so much. Government said that they would spend one-third and that we should spend two thirds. This was the foundation of grants-in-aid. The British Government were unwilling to spend in the interest of the people money which they had received from the people. Our first interest was education, but most of the money was spent on maintaining a bureaucratic army against the people.

So, Sir, out of this contradition came the demand of the people for local self-government, the demand of the people for education and the demand of the people to give financial aid to educational institutions. Thus these private agencies aided and approved schools, receiving grants-in-aid from Government and help from private donors, came into being. Does that condition prevail now? It does not. We have now the power to tax the rich and to use the wealth of the country in the interest of the people. Therefore, this whole matter now ought to be lifted out of the sphere of private enterprise, because now it has become an enterprise; formerly it was sacrifice. If Government wants to overhaul the entire system of primary education, they ought to do so in a most objective and scientific manner, and that is to take the system of education out of the hands of private enterprise. Therefore I say that these approved schools which arose entirely out of earlier conditions, out of our struggle with the British Government, and those grants-in-aid should altogether

[Mr. S. A. Dange]
be abolished by the present Government. I am sure that the Hon. the Premier will agree with this principle. Of course, he might brush aside my suggestion on grounds of practical difficulties, but if he side-tracks the fundamental principle on the ground of practical difficulties, we will never establish real democratic educational institutions in this country. The approved school system as a whole ought to be abolished because it is no longer necessary under the present Government.

Again, education is one of the prime things of life. Government itself maintains that the very basis of our future citizens is laid in the primary school. If that is so, it is wrong to allow the future citizens to be governed by the private proprietary interest of ABC. The spirit in these approved schools is the spirit of grabbing money. There is always a struggle between the two types of teachers, namely, permanent and temporary. A permanent teacher is not dismissed in the May vacation, whereas a temporary teacher is sent away. That is called a method of savings, but it is done in order to increase the profit left to the proprietary interests. When the whole teaching staff is sunk in these competitive interests, what type of future citizens are we going to produce out of the children studying under such conditions ? The result is that the child is always in a *khoda* as mentioned by the hon. Member Dr. Antrolikar. It is time now that we put the *khoda* on the proprietary interests rather than on the child. The private interests that are growing up in these proprietary institutions are creating a bad atmosphere in our educational field, and in order to purify that atmosphere, it is necessary that the State should take over the whole system of education.

Now there was a statement made by an hon. Friend and it was partly supported by the Hon. Premier. Aren't there abuses in the schools run by municipal school boards and local boards ? Yes, there are abuses. But what is the difference between the two ? If we find abuses in the schools managed by school boards, we can chuck the members of the school board concerned in the next election. The private proprietors of approved schools are not subject to election. That is the difference between abuses in schools managed by school boards and municipal boards on the one hand and abuses in schools under private proprietors on the other. When we demand adult franchise in the election of every municipal school board, that institution becomes subject to the popular will. Institutions run by private proprietors are not subject to the popular will. So, abuses in schools run by municipal school boards are correctible, whereas those in schools run by private proprietors are not so. That is the difference between the two abuses. One abuse is removable, but the other one is not removable. The parents have to shout or expose them in the newspapers in order to remove abuses going on in schools run by private proprietors. I, therefore, urge that, if we are going to reorganise the educational system as a whole, then education ought to be lifted altogether out of the field of private enterprise. On this basis, I oppose this clause 39 altogether.

3-30 p.m.

Mr. S. L. KARANDIKAR (Ratnagiri North): अध्यक्ष महाराज, सभागृहापुढें असलेल्या बिलाला पाठिंबा देण्याकरितां उभा आहें. शाळा निघाल्या त्यावेळीं स्वार्थत्याग शब्द फार रूढ झाला होता. आम्हांला कोणी शिक्षक भेटला कीं म्हणे आम्ही हें शिक्षणाचें काम स्वार्थत्यागानें करतो. पण स्वार्थत्यागा बरोबरच त्या कामाबद्दल आवड असणें जरुरीचें आहे. पोट भरण्याचे, पैसा कमावण्याचे मार्ग उपलब्ध असतांना जे लोक पोटाला चिमटा घेऊन अडचणींचा विचार न करतां खाजगी शाळा चालवतात त्यांच्याबद्दल मला कांहीं सांगावयाचें नाहीं. कंपलशन केलें तर हे लोक काम करण्यास तयार होणार नाहींत. सध्यांच्या परिस्थितींत खाजगी शाळा आवश्यक आहेत. बोर्डाच्या शाळा खाजगी शाळांपेक्षां पुष्कळ वेळेस खालंच्या दर्जाच्या ठरतील. कांहीं वेळेला मोठे विनोदी प्रसंग येतात. उदाहरणार्थ कवे युनिव्हर्सिटींत बॉम्बे युनिव्हर्सिटी सिंडिकेटमध्यें जे लोक आहेत त्यांचीं मुलें शिकत असलेलीं आढळतात. प्रत्यक्ष स्कूल बोर्डाचे मी मी म्हणणारे सभासद आपलीं मुलें स्कूल बोर्डाच्या शाळेंत घालावयास तयार होत नाहींत. ते आपलीं मुलें मॉडर्न हायस्कूल, न्यू इंग्लिश स्कूल, रमण बाग शाळा येथें पाठवितात. यावरून असें दिसतें कीं, बोर्डाच्या शाळा चांगल्या चालत नाहींत. त्याच्यांतहि ब्लॅक मार्केट होत नसेल असें नाहीं. आजकाल कोणी शुक्राचार्य लागून राहिला नाहीं. ज्याला साधेल तो आपलें हित करून घेणारच. Let us be honest to ourselves या प्रांतांत निवडून आलेलें प्रांतिक सरकारच्या हाताखालीं असणारे जे शिक्षणाचे अधिकारी आहेत त्या लोकांचे कान शेवटीं इलेक्शन मशिनरीचे हातांत असतात. प्रत्यक्ष अनुभवावरून मी असें निश्चित म्हणावयाला तयार आहें कीं स्कूलबोर्डाच्या शाळेंतून जीं साधनें वापरलीं जातात, जी पद्धती उपयोगांत आणली जाते आणि अॅप्रूव्हड स्कूल्समध्यें जीं साधनें वापरलीं जातात, त्यांत अॅप्रूव्हड स्कूल्सना श्रेष्ट दर्जा द्यावा लागेल. परंतु या शाळा प्रायव्हेट इंटरप्राइज असें म्हटल्यानें त्यासंबंधीं एक प्रकारचा बाईट ग्रह होतो.

आम्हीं शिक्षणमंत्र्याकडे आपलेपणानें पहातों. त्यांच्या कळकळीविषयीं व सद्धेतुबद्दल आम्हांस बिलकूल संदेह नाहीं. त्यांचें ध्येय सफल होईल अशी आशा करून करून मी बिलाला पाठिंबा देऊन भाषण पुरें करतों.

Mr. G. H. DESHPANDE (Nasik West): अध्यक्ष महाराज, सभागृहापुढें असलेल्या बिलाला पाठिंबा देण्यासाठीं मी उभा आहे. खाजगी शाळांच्या बाबतींत बरींच चर्चा झाली असून सन्माननीय सभासद मि. करंदीकर यानीं खाजगी शाळा या स्कूल बोर्डानें चालविलेल्या शाळांपेक्षां अधिक चांगल्या चाललेल्या आहेत असें

[Mr. G. H. Deshpande]

सांगितले. दुसरी गोष्ट अशी की, आपल्या या मुंबई इलाख्यामध्यें मागासलेल्या भागामध्यें गेलीं दहा वर्षे या खाजगी शाळांनीं केलेली कामगिरी लक्षांत घेतली म्हणजे ती अभिनंदनीय आहे असें कोणालाहि वाटेल. पश्चिम खानदेशामध्यें ठक्कर बाप्पाची शाळा ; नाशिक जिल्ह्यामध्यें, गुजराथमध्यें, तसेंच ठाण्यामध्यें आदिवासी मंडळानें चालविलेल्या संस्था या सगळ्या शाळांकडे पाहिलें तर असें दिसून येईल जेथें शिक्षण खातें कांहीं एक करूं शकले नाहीं तेथें या मागासलेल्या लोकांत शिक्षणाची आवड निर्माण करणें, त्यांच्यामध्यें राहून शाळा काढणें इत्यादी गोष्टी करण्यांत आल्या आहेत. शहरांतून शाळा चालविण्यापेक्षां अशा दूरच्या मागासलेल्या भागांत जाऊन काम करणें सर्व दृष्टीनें अडचणीचें असतें तेथें ध्येयवादी माणसें असल्याशिवाय अशा शाळा किंवा संस्था चालविणें कठीण आहे. वरील खाजगी संस्थांची वसतीगृहेंहि आहेंत. शहरांतील वसतीगृहांच्या विद्यार्थ्यामध्यें व वरील वसतीगृहांतील विद्यार्थ्यांच्या राहणीमध्यें आचार विचारामध्यें मोठा फरक आढळतो. या मागासलेल्या भागांतल्या संस्था अत्यंत उच्च ध्येयवादानें, सेवा भावानें प्रेरित होऊन चालविल्या जातात. त्याचा ध्येयवाद संस्थेमधील मुलांत येतो ही स्वाभाविक गोष्ट आहे. कांहीं खाजगी शाळा चांगल्या तऱ्हेनें चालविल्या जात नाहींत असाही अनुभव आहे पण त्याचें कारण त्याच्यामागें असणाऱ्या विशिष्ट संस्था कार्यक्षम नाहींत हें होय. आपल्या मुंबई इलाख्यामध्यें अशा कितीं तरी स्कूलबोर्डाच्या शाळा चांगल्या रीतीनें चालविल्या जात आहेत; तरी पण खाजगी प्रयत्नाला अजिबात वाव नाहीं असें म्हणणें बरोबर नाहीं. खाजगी प्रयत्न कां नसावें? उच्च ध्येयवादानें खाजगी प्रयत्न करावयाचें कोणी ठरविलें तर सरकारनें त्यांना कां वाव देऊं नये? अशा सेवावृत्तीला कां आळा घालावा? समाजाच्या गरजा भागावयाच्या कामीं या संस्था जर उपयोगी असतील तर अशा संस्थेचें अस्तीत्व कां नष्ट करावें? या सर्व गोष्टींचा विचार करून हा क्लॉज केलेला आहे तेव्हां अशा तऱ्हेच्या खाजगी प्रयत्नांना जास्तींत जास्त वाव देणें त्यांना मदत करणें, हे इष्ट आणि जरूरीचे आहे. म्हणून मी या क्लॉजला पाठिंबा देतों.

Mr. B. R. GHORPADE (Poona City) : Sir, I think people outside this House will decide whether or not there are black marketeers in educational intsitutions. I am not here to compare the founders of these educational institutions with the persons who are at the head of the institutions just now. But I take it that the public will find out whether Dr. Karve is a black marketeer, whether Dr. Mahajani is a

[Mr. B. R. Ghorpade]

a black marketeer, whether Principal Dandekar is a black marketeer, whether Principal Khadye is a black marketeer and whether any other Principal for the matter of that is a black marketeer. I do not wish to hold a brief for them, but I think approved schools, by which is understood schools under private management, are very necessary, unless the State believes in the regimentation thereof, to which I stand opposed. If humanity is to be gathered like peas in a pot, then I have nothing to say. But I do not think that human beings could be put together like peas in a pot. Nor would it be fair and, therefore, if private enterprise in the good sense of the term is to be encouraged, it must be from the viewpoint of doing some research work—may it be in the field of primary education. From this viewpoint, to my mind, even at this stage approved schools are much more necessary than other schools. Of course, the Government steam-roller, however perfect it may be, will be there. But if any research work, any new experimentation is to be done in the field of education, it is only private enterprise that can do it. Of course, anything that is anti-social or against the interests of the State as such should be immediately uprooted, and I think the State will attend to that. But if institutions do research work, they should not only be encouraged, but subsidised with liberal grants. If we check this private enterprise, I am afraid there will be great hardship to society. Private enterprise can and should have a place, much more so at the present juncture. Those who have been running private institutions will get their compliments from the public, and the public will judge them. There is no use our offering any remarks here. Goodness or badness is not the monopoly of any one group or any one party. I think in human nature cross sections of a similar nature, will be found everywhere. There is no use hitting anybody. Having had some connection with private schools, I know their drawbacks, but I think that they should be encouraged. If we try to check them, then, I am afraid research and experiment will be lost to society. I would, therefore, request Government to encourage those people who are carrying on their educational activities on right lines, and at the same time check those who are carrying on educational activities on wrong lines.

Mr. B. G. KHER: Sir, the question before the House is whether Government should give recognition and grant to approved schools. I am not surprised that the hon. Member Mr. Dange, believing as he does in Communism and opposed as he is to all kinds of democracy, should suggest that Government should not give consent or recognition to any private schools which take part in the education of the youth of the country. The other statements which he made are very astounding. One of them is that the ratio of patriots is now on the decrease. Another of his suggestions apparently is that all private patriotic endeavours in the field of education came to an end as long

[Mr. B. G. Kher]

ago as 1880 or thereabouts, and that the present age can only produce black-marketeers and blackguards.

Mr. S. A. DANGE: I did not say so.

Mr. B. G. Kher: The hon. Member did not say that. I am only saying what he conveyed. He seemed to suggest that such endeavour as was undertaken by partriotic people in the past is now impossible and that it has come to an end. If this is not what was meant to be conveyed, I cannot understand why he proposed that all private endeavours, should be put a stop to.

Mr. S. A. DANGE: Because the Government have changed.

Mr. B. G. KHER: It is true the Government have changed, but the people also have changed. They have become more patriotic. They want to help the Government in all ways. Unfortunately, the hon. Member speaks only in terms of rupees, annas and pies. To him teachership is a trade. Everything is counted in terms of the money that it brings. I do not know if he applies that principle to our legislature also. After all, he may say this is also a trade. Of course, I suppose it will be agreed that there can be more lucrative posts. But there are several members who sacrifice all selfish considerations for the general advantage of the country. Take the example of the hon. Member Mr. Dange himself. For his abilities, his wide travel and deep application and other attainments I would be prepared to secure for him a job which will fetch him Rs. 5,000 per month, and yet, all honour to him, I know he will not take it. I should say he is living in very straitened circumstances regardless of money and all the comfort that it brings. Why? Because he happens to be inspired by an idea. He refuses to call it a spiritual motive. It is a matter of what you prefer to call it. We hope the next generation will be better educated. I am sure all actions, all sacrifices, are not based on selfish motives. The example of the hon. Member is before us. His sacrifice is certainly based on a spiritual motive. To pour cheap ridicule on all these endeavours of serving the cause of education without the money motive and to refer to them as black-marketeers is certainly a very interesting pastime. More than that, I do not think it will count. Still, the same springs of human behaviour are there now, as there were in the past. Men will continue to be good; they will continue to be blackguards also. There will be people who want to give their best to the cause of education, without any return in money. This is not to say that Government will shirk their duties and responsibilities. We have taken the responsibility of providing free and compulsory primary education within as short a space of time as possible.

The hon. Member had put forward his point of view even when the demands for grants were made last time. He said that the State ought to control the whole field of education and that no room should be left for any private party or individual or enterprise or any other motive or

[Mr. B. G. Kher]

ideology. If the hon. Member had the power of moulding the education of the people of this country, I have no doubt what will be the sort of education that our boys will be subjected to. I remember to have said on that occasion how in the course of a few years education for death was given by Hitler, and how he regimented and controlled education, not after the child was born but even before the child came out into the world. He began to educate the mother, and after the birth of a child right up to the time that he became a Hitler's soldier the whole of boy's education was regimented. Hitler secured wonderful results, wonderful for Germany, and wonderful for the world. This Government is opposed to all regimentation of that type. We want to set a very good pattern. We will do our best, but if there are people who can do better, we will recognise them and give them grants-in-aid and not destroy them. That is all what is sought to be done.

Clause 39 ordered to stand part of the Bill.

Clause 40. (*Inspection of approved schools: returns*)—

(1) Every approved school shall be open during school hours to inspection by the inspecting officers of the Provincial Government for the purpose, in particular, of ascertaining—

(*a*) whether instruction is given in accordance with the provisions of section 38.

(*b*) whether the provisions of this Act for the compulsory attendance of children are being carried out;

(*c*) whether the health of the school children is satisfactory;

(*d*) whether the instruction given is not of a pernicious nature;

(*e*) whether the registers and records are being maintained as required by the Director.

(2) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (1) of section 48 and to any officer specially deputed under this sub-section by the Director in the discharge of their duties.

Mr. S. A. DANGE: We have decided to have approved schools, and we are deciding to allow self-sacrificing gentlemen to let us have the benefit of their sacrifice. I admit that they do exist. I also admit that all of these institutions are not black-marketeers. I never maintained as someone said that all of them are black-marketeers. Now, since we have decided to allow these gentlemen to do their spiritual work, why does this clause show so much lack of faith in their spirituality and bind them by several conditions? Are they not so patriotic and good that you can trust them to give wonderful education? Why do you want inspecting officers to see whether the instruction given is in accordance with the provisions of clause 38, whether the provisions of this Bill for the compulsory attendance of children are being carried out, whether the health of the school chidlren is satisfactory, whether the instruction given is not of a pernicious nature, and whether the registers and records are being maintained as required by the Director? By democracy the Hon. Prime Minister does not mean regimentation. Yet, all the approved

[Mr. S. A. Dange]

schools are regimented by these four or five conditions. Government will not take them over; Government will not give them full maintenance and yet they will regiment them with these beautiful conditions. Government will not either take them over completely or pay their salary expenses and have a uniform policy for education. The Premier rejects that.

4 p.m.

But having taken their services, he starts regimenting them free of charge. That is the meaning of clause 40. It shows that he has not got any faith at all in their spirituality. This proves my case which I stated on the previous clause. But that does not matter. The regimentation that is contemplated in this clause is of a peculiar type. I am prepared to grant that some of the conditions mentioned in the clause are necessary. After all, those who run these schools are human beings. As human beings and as members of our class-ridden society, they have their own needs and ambitions. Therefore, it is necessary for us to provide the necessary safeguards. What I say is, that if you decide to maintain approved schools you must maintain them properly. As a matter of fact, I would have supported my friend Dr. Natu had I known that you were going to maintain the approved schools.

Mr. B. G. KHER: On a point of information, Sir. This clause provides for the inspection of approved schools. It has nothing to do with grants. The hon. Member Dr. Natu's amendment was with reference to the payment of grants.

Mr. S. A. DANGE: Yes; but I would have supported him in the matter of allowing the schools fuller scope for their work. That is what I mean—not the financial side.

Therefore, if you maintain them now, do maintain them properly and let them function properly. But the Hon. Minister is not doing that. In clause 40 I see a sort of regimentation which can work in a good way and in a bad way. For example, formerly missionary schools were started with the noble idea of giving good education. But what did they do eventually? They captured the children of this country during famine times and converted them to Christianity. A very good example of private enterprise in education! As against that, we now have certain educational schools in Khandesh which, as my hon. Friend said, give education to the Bhils. I have no doubt that they give good education, but I do not know what its content is. But here there is something in this clause, the implications of which are not clear to me. That is sub-clause (*d*) of clause 40. The inspecting officer has to ascertain whether the instruction given in a school is not of "a pernicious nature." Now, what does this mean? What, according to the inspecting officer or the framers of the Bill or the officers who drafted this sub-clause, will be pernicious instruction? The inspecting officer has to see whether the instruction given is not of a pernicious nature! Where did they find this word "pernicious" and what do the framers mean by it? Suppose a Christian school is seen preaching to a Hindu

[Mr. S. A. Dange]

boy that Jesus Christ is the only god in the world: would that be pernicious instruction or not? Or suppose a Hindu school is seen preaching that Islam is bad: would it be pernicious instruction or not? Or suppose a Muslim school is found to be preaching that the whole world ought to go Islamic: would it be pernicious instruction or not? Who is going to decide whether instruction is pernicious or not?

Mr. B. G. KHER: Government.

Mr. S. A. DANGE: Yes; Government. It means that Government is going to frame rules for the guidance of the inspecting officers and to give them their own party prejudices. Sir, let me make it clear that I am not against this provision. I do want it and I support the Hon. Minister; but I want the content of perniciousness to be clearly defined beforehand, because the content of perniciousness will change according to the philosophy of the ruling party and, in consequence, every school and every inspecting officer will be turned into an instrument of the ruling party. This, Sir, is regimentation with vengeance.

Mr. B. G. KHER: You wanted regimentation!

Mr. S. A. DANGE: But the Hon. Minister said that he did not want regimentation. At the same time he is having it by this clause, without, of course, admitting it. Every inspecting officer will be told what pernicious instruction is. If you will allow me, Sir, half a minute to digress, I may quote an incident from my own experience. I was in a primary school in the year 1909. My parents were living in Bombay, but I was sent to a primary school in Nasik—an orthodox city in those days which had its own outlook on life. I was brought up in Bombay for some time and afterwards sent to Nasik. On a Saturday morning when I was going to the school, I did not get my tea. My mother had given me some money. So I went out, walked into a tea shop and had a cup of tea. My teacher saw it and the moment I entered the class room he gave me five cane stripes .(*Laughter*). Drinking tea in those days was, according to the teacher, a very vicious habit to a school-going child, and it was pernicious behaviour!

The Hon. the SPEAKER: The sub-clause refers to pernicious instruction.

Mr. S. A. DANGE: Yes, true; but if the inspecting officer visited that school and found me coming from the tea shop, he might have asked the teacher whether or not he had given instruction to the children not to visit tea shop. (*Laughter*). And, therefore, the teacher insured his position by whipping me. Now, Sir, as I said, the content of perniciousness will change according to the philosophy of the ruling party, and there is a danger that this sub-clause may be used in the interests of the party in power, if its implications are not explicitly defined. For instance, many of the private schools have become centres

[Mr. S. A. Dange]

of electioneering campaign. Teachers in private schools have been converted into electioneering agents according to the party affiliations of the persons who run the schools. That is quite natural. When a school is run by a person having some party leanings, it is natural that he should ask the teachers that they should canvas votes for a particular party. Now, what would be perniciousness under our present Government? Suppose I run a school in which the children sing a song written by Amar Shaikh, a poet whom I like. I teach the song because I like it; but Government may dislike it. Government is already banning the songs composed by our own people like Shaikh and Sathe. Now, if Government dislikes that song, that school will be classified as one which gives pernicious instruction. Why? Because the party in power does not like that particular song. Therefore, the content of perniciousness should be defined. If you are not going to define it, allow the schools to go on as they like. Do not put in this condition, " whether the instruction given is not of a pernicious nature ". Let the schools give instruction as they like, and let Government, under clause 38, specify from time to time the subjects, curricula, books and standards of teaching of approved schools. That is enough. Why put in this condition (*d*) in clause 40? This is an attempt to regiment schools to the services of a political party, because perniciousness is an undefined term. Therefore, though the Hon. Minister does not want to regiment the schools and especially the approved schools, though he wants to rely upon the democratic sense and spirituality of the gentlemen who are running them—I do grant that there are some very good gentlemen among them—still he wants to regiment the schools because he has not got much faith in these gentlemen. So, sub-clause (*d*) is a provision which can be used in any way. Sometimes it will be used in a good way as I myself gave an example, but sometimes it will be used in a bad way. Therefore, let us avoid both and let us rely on clauses 38 and 39. If Government find that the conditions of clause 38 are not being observed by a school, they can, under clause 39, stop the grant-in-aid and take whatever measures they like; but sub-clause (*d*) is so dangerous that—

The Hon. the SPEAKER: I presume that the hon. Member is opposing the whole clause and not sub-clause (*d*) alone.

Mr. S. A. DANGE: Yes, I am opposing the whole clause on the ground of regimentation.

The Hon. the SPEAKER: I only wanted to tell the hon. Member that if he is opposing one sub-clause and his opposition succeeds, the whole clause will have to be dropped. A sub-clause as such cannot be dropped.

Mr. B. G. KHER: But he knows that his opposition will not succeed.

Mr. S. A. DANGE: I am concentrating upon one bad point in the clause. I do not mind if the whole clause goes. I am prepared to

[Mr. S. A. Dange]

upport the whole clause if perniciousness is properly defined for the urpose of the guidance of the approved schools, for the purpose of onforming to democratic policy, for the purpose of assisting people o conduct their schools without being hampered by the changing logans of the inspecting officers or of the authority behind the inspecting officers. Therefore, I submit that if inspecting officers are given owers to do the things mentioned in this clause, then the free activities f the approved schools will be very much hampered and the so much alked of spirit of freedom and self-sacrifice which is supposed to xist in them will be lost. In short, the approved schools will be tied lown hand and foot under this clause. It is for these reasons, Sir, that I would request Government to reconsider this clause.

Mr. BABUBHAI J. PATEL: (Kaira District): Sir, I do not want o speak on any of the clauses nor do I want to deal with the arguments ut forward by my hon. Friend Mr. Dange on clause 40. My object is o seek clarification of clause 41 from the Hon. the Primier. Sub-lause (*1*) of clause 41 lays down:

"Every district local board shall pay over annually to the district school board for the purposes of primary education such portion of its income from its revenue described in clauses (*b*) and (*c*) of section 75 of the Bombay Local Boards Act, 1923, as the Provincial Government may from time to time fix in this behalf."

This means that it is left to the Provincial Government to decide from time to time what particular annual contribution is to be made by the district local board from its revenue to the district school board for the purpose of primary education. The contribution to be thus made is liable to change. When we turn to paragraph 3 of the Statement of Objects and Reasons we find it stated:—

"The scheme of the present Bill is broadly as follows. In respect of the district school board Government proposes to bear all the necessary expenditure for primary education excepting certain fixed contributions from the district local board and the non-authorised *i.e.*, smaller municipalities represented on the district school board."

Reading these lines one would get the impression that the contribution to be made by the district local board is a fixed amount. Thus, whereas the clause says that the contribution to be made by the district local board may be fixed from time to time by the Provincial Government, the Statement of Objects and Reasons gives the impression that the contribution is to be a fixed sum. This being the position, some clarification from the Hon. the Premier is called for.

In view of the fact, however, that most of the powers of the local boards have been taken away and the whole responsibility for primary education has been taken over by the Provincial Government, it would but be fair that Government should bear the burden of expenditure resulting from the scheme of compulsory primary education and not throw it on the local boards. The local boards collected cess at the rate of one anna, then it was raised to two annas and now it is three annas, and it is feared that it may be raised still higher to meet the

[Mr. Babubhai J. Patel]

higher costs on primary education. In order to dispel these fears, I would request the Hon. Premier to make the position clear in this matter and to affirm what has been stated in the Press Note recently issued that Government would take only 15 pies out of a rupee from the amount of cess collected by local bodies and the rest of the expenditure on primary education would be borne by Government. I think that is the real intention of Government, but since the clause is not quite clear the Hon. the Premier may clarify the position.

Mr. B. G. KHER : Sir, I shall first deal with the point raised by my hon. Friend Mr. Babubhai Patel. This point was also raised in the Select Committee, and I then said that I would make a statement in the House in order to make the intention of Government in this matter quite clear. As has been pointed out in the Press Note, to which attention was drawn by the hon. Member, it is the intention of Government not to take more than 15 pies in a rupee from the local boards. It is true that in clause 41 the actual contribution to be made by the district local boards has not been specified, but I assure the House that the intention of Government is not to take more than 15 pies in a rupee from the revenues of the local boards.

Then it is not within the competence of Government to raise the contribution by mere executive orders. Every time Government desires to have more contribution from the local boards, it will have to come to this House for sanction. Therefore, even if in future, owing to altered circumstances, a larger contribution from the local boards has to be taken, the matter will have to be placed before this House and its approval obtained. I think this is a sufficient safeguard.

As stated in the Select Committee, I have made the position clear on the floor of this House with reference to the Press Note recently issued by Government, and I think the assurance given by me is quite sufficient. I am grateful to the hon. Member for having given me an opportunity to make this statement.

The Hon. the SPEAKER : Is the contribution to be 15 pies out of a rupee or out of the increased cess of three annas ?

Mr. B. G. KHER : As the position stands at present, it is 15 pies in a rupee. We may have to reconsider the question after this Bill is passed and comes into operation.

Then, Sir, I shall deal with the points of criticisms made by the hon. Member Mr. Dange. I think he criticised this clause merely for the sake of opposition and he can, if he wants to, oppose every clause of this Bill in that fashion. It is not the policy of this Government, as he thinks it to be, to scotch private agencies doing work in the field of primary education. He called " inspecting officers " as a sort of regiment. Now " regiment " means " a body of soldiers constituting the largest permanent unit, commanded by a colonel ". I do not think this is

[Mr. B. G. Kher]

quite a proper word to apply to inspectors. Then he objected to the clause on the ground that the party in power would have the power to determine what is good and what is pernicious. I do not see what is wrong in that. Under democracy the party in power is returned by the votes of the largest number of people, and under the new Constitution we are going to have adult franchise, so that it will be open to every citizen of this country to determine who will rule him. Similarly, the morality of the party in power will be the morality of the masses. The party in power will have the suffrage of millions and millions of the people of this country. Its morality will be the morality of the common man. It will not be the morality of a dictator who does not believe in God or religion or anything. And if the party in power does not respect morality it will be thrown out. After all, the party in power has got to submit to the will of the people; it has got to go to the electorate at stated intervals and so it cannot be irresponsible.

We have not got here the rule of a dictator nor of a colonel of a regiment whose word is law. The inspecting officers cannot be compared to them and they cannot behave irresponsibly as the hon. Member thinks they would. I am sure the hon. Member realises, although he has opposed this clause, that a line has to be drawn between inspection and regimentation. I am certainly opposed to regimentation but am in favour of inspection.

Clause 40 ordered to stand part of the Bill. Clauses 41 to 46 ordered to stand part of the Bill.

Clause 47 (*Payment of travelling allowances to chairman, vice-chairman and members of school board*).

The chairman, vice-chairman and members of the school board may be paid allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such rates and subject to such conditions as may be prescribed.

Mr. S. A. DANGE: Sir, I beg to move —

In clause 47 after the word " paid " add " honoraria and".

Question proposed.

Mr. S. A. DANGE: Sir I only wanted to see that the chairman, vice-chairman and the membrs of the school board become full-time workers for the managemente of the institutions under them. Now, in clause 47 it is mentioned:

" Allowances for expenses incurred by them in travelling for the purposes of the business of the school board at such ratee and subject to such conditions as may be prescribed."

I do not know whether these people are paid any salaries as such and whether these allowances are in addition to those salaries. If the allowances are not in addition to their salaries, then I think they should not only get the allowances for expenses incurred by them in

[Mr. S. A. Dange]

travelling, but they should also get honoraria for the work done. Otherwise, they would be gentlemen who would have to depend on private sources of income and who would have to do this job free of charge, merely getting the travelling expenses incurred by them. Therefore, the whole school board, the chairman, vice-chairman and the other members will be composed of well-to-do people who can spare time to do the work without any payment, and naturally the school board will be dominated by such people. If, however, honorarium is paid, then those who have a desire and the capacity to manage the affairs of the board will come forward, giving up their other jobs for living and who will devote their energy and time to this job. That is why I have proposed that the word 'honoraria' should be added, so that these people may not have to depend merely on private sources of income while doing this job.

Mr. B. G. KHER: Sir, the members of the local bodies do not get either salaries or any honoraria for the work done by them. They are expected to serve the country and that is why there is no salary or any emoluments attached to these posts. That much call on their patriotism is quite enough and they are not expected to bear the expenditure incurred by them in travelling for the purposes of the business of the school board. That will be paid to them at such rates and subject to such conditions as may be prescribed.

Amendment put, and negatived.

Clause 47 ordered to stand part of the Bill.

Clauses 48 to 57 ordered to stand part of the Bill.

Clause 58 (*Constitution of Provincial Board of Primary Education*).—

(*1*) There shall be a Provincial Board of Primary Education, consisting of twelve members, of whom six shall be elected by the school boards in the manner prescribed. The remaining six, of whom not more than three shall be Government officers, shall be appointed by the Provincial Government.

(*2*) The members of the said board shall hold office for a period of three years:

Provided that the term of office of the out-going members shall be deemed to extend to and to expire with the date on which their successors are elected or appointed, as the case may be.

(*3*) Any member of the said board may resign his seat at any time by giving notice thereof in writing to the president; and such member shall be deemed to have vacated his seat as soon as the president has received his resignation.

(*4*) Any member of the said board who absents himself from three consecutive meetings of the board without its previous permission shall cease to be a member of the board.

(*5*) The Provincial Government may, on its own motion or on the recommendation supported by a resolution passed by at least two-thirds of the whole number of members of the said board, remove any member of the said board if such member has been guilty of misconduct in the discharge of his duties or any disgraceful conduct or has become incapable of performing his duties as a member by reason of any physical or mental infirmity:

Provided that no such member shall be so removed nor shall any resolution recommending the removal of any member bepassed unless the member to whom it

relates has been given a reasonable opportunity of showing cause why he should not be so removed or why such recommendation should not be made.

(6) The elected members of the said board shall be persons having any of the following qualifications :—

(*a*) a graduate of seven years' standing of any recognised university ;

(*b*) a professor who has served as such a period of five years in a college affiliated to a statutory university in the Province of Bombay ;

(*c*) a headmaster who has served as such for ten years in any primary school or high school recognised by the Department of Education of the Provincial Government.

(7) The said board shall elect its president from amongst its own members and his term of office shall be co-extensive with that of the board. Of the members appointed by the Provincial Government, one member selected by the Provincial Government and belonging to the Department of Education shall act as Secretary to the board.

(8) Casual vacancies during the term of the said board shall be filled for the remaining period by election or appointment as the case may be.

Dr. M. N. NATU : Sir, I beg to move —

In clause 58 sub-clause (6) (*c*) substitute the words "any primary" by the words "an approved" and delete all the words beginning from the words "or high school" *etc.*, upto the end of the sub-clause.

Question proposed.

Dr. M. N. NATU : Sir, this clause deals with the formation of the Provincial Board of Primary Education. As a matter of fact, the whole chapter deals with this subject and the various methods of formation are put in sub-clause (6), which reads thus :

"The elected members of the said board shall be persons having any of the following qualifications :—"

and under that, sub-clause (*c*) says :

"a headmaster who has served as such for ten years in any primary school or high school recognised by the Department of Education of the Provincial Government."

My only idea in bringing this amendment before the House is to split sub-clause (*c*) and to put up three different sub-clauses, by making provision (1) for the headmaster of an approved school, (2) for the headmaster of a high school and (3) for a superintendent of a primary school who does not work for ten years as such.

Now, I want to change the words "any primary" to "an approved", because I think it is contemplated that the headmaster who has worked as headmaster of an approved school should be qualified for election to the Provincial Primary Board. I do not think it is contemplated that the headmaster of any primary school, whether approved or not, should also be qualified for election as a member of the board.

The latter part of the sub-clause, from the words "or high school" *etc.*, may be split up into a separate sub-clause as that would simplify matters. For this, I have moved a separate amendment.

Mr. B. G. KHER : Sir, I accept the first part of the hon. Member's amendment, namely, the substitution of the words "any primary" by the words "an approved". I do not accept the whole amendment.

The first part of Dr. Natu's amendment, viz.

In clause 58 sub-clause (6) (*c*) substitute the words "any primary" by the words "an approved"

put, and agreed to.

The second part of Dr. Natu's amendment, viz.

"and delete all the words beginning from the words "or High School" etc. up to the end of the sub-clause

put, and negatived.

The Hon. the SPEAKER: The next amendment (No. 13) is also in the name of the hon. Member Dr. Natu. He may move it.

Dr. M. N. NATU: Sir, I do not want to move that amendment.

The Hon. the SPEAKER: The hon. Member Dr. Natu may move his next amendment (No. 14).

Dr. M. N. NATU: Sir, I beg to move—

In clause 58 sub-clause (6) add (*e*) as follows:—

"(*e*) a person who has passed the matriculation examination of any recognised university and has worked in a primary school as a headmaster or superintendent for at least three years".

The Hon. the SPEAKER: We shall consider this amendment afterwards. The House will now adjourn and re-assemble at 5 p. m.

[*Recess from 4-30 p. m. to 5 p. m.*]

The Hon. the SPEAKER: Does the hon. Member want to keep the amendment as it is, or does he want to change it? In the first place, the numbering should not be (*e*), but it should be (*d*). In the second place it deals with the selection of headmasters to the Board of Primary Education which has already been discussed.

Dr. M. N. NATU: The headmasters dealt with in this amendment belong to an entirely different category. There are two types of headmasters, namely, those who have not passed the matriculation examination and those who have passed the matriculation examination and have worked in a primary school as such for a smaller number of years, namely three years.

Question proposed.

Dr. M. N. NATU: This amendment is intended for the purpose of those headmasters who have been serving in primary schools as such for less than ten years but who have the additional qualification that they have passed the matriculation examination or an equivalent or higher examination of any recognised university. Under sub-clause (*c*),

[Dr. M. N. Natu]

a headmaster who has served as such for ten years in any primary school can stand for election to the Board of Primary Education. It is not necessary that he should have any university degree. He need only be a second or third-year trained teacher who has served as a headmaster for ten years in any primary school, to qualify himself for election to the Board of Primary Education. In the amendment proposed by me what is sought to be done is that the passing of the matriculation examination is laid down as an additional qualification, and the period for which he ought to have served as a headmaster is also reduced to three years. My only point in moving this amendment is to make it possible for headmasters having this educational qualification in addition to having worked in any primary school as such or as superintendents for at least three years to be on the Board of Primary Education. We have already made it possible for ordinary headmasters with an experience of ten years to be elected to this Board. This step has been very warmly welcomed by the headmasters of primary schools whose aspirations in this behalf have been fulfilled. The object of this amendment is to enable the other category of headmasters who have passed the matriculation examination and have served as such in any primary school only for three years to come on the Board.

Mr. B. G. KHER: Sir, I regret I cannot accept the amendment that has been proposed by the hon. Member Dr. Natu, for the following reasons:

We have decided that certain persons shall be elected to the Provincial Board of Primary Education. Now, the first category includes a graduate of seven years' standing of any recognised university. The second category includes a professor who has served as such for a period of five years in a college affiliated to a statutory university in the Province of Bombay. The third category includes a headmaster who has served as such for ten years in any primary school or high school recognised by the Department of Education of the Provincial Government. Ten years' experience as a headmaster has been laid down in order to ensure that the persons elected will be of assistance to the board because of their special knowledge. Now, the hon. Member wants a person who has passed the matriculation examination or an equivalent or higher examination of any recognised university but has worked as a headmaster in any primary school only for three years to be elected on the Board of Primary Education. I cannot understand how a mere matriculate by having served in a primary school as a headmaster only for three years can be of the same standing or value as the other three categories which I have already referred to. So, I do not think that the amendment can be accepted.

Dr. M. N. NATU: Sir, I beg leave of the House to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause 58, as amended, ordered to stand part of the Bill.

Clauses 59 to 65 ordered to stand part of the Bill.

Mr. B. G. KHER : Sir, I want to mention that, in exercise of the powers conferred on His Excellency the Governor by sub-section (*3*) of section 82 of the Government of India Act, this Bill has to be recommended to the Legislative Assembly. In pursuance of that section, I have with me an order which says that the Governor of Bombay is pleased to recommend to the Bombay Legislative Assembly the consideration of the Bombay Primary Education Bill of 1947. The rule has been complied with. I, therefore, move that the Bill be read a third time and passed.

Mr. S. L. KARANDIKAR (Ratnagiri North) : अध्यक्ष महाराज, या बिलाच्या तिसऱ्या वाचनाला पाठिंबा देण्यासाठीं मी उभा आहें. पहिल्या वाचनाच्या वेळीं मी आणि माझे सन्माननीय मित्र श्री. घोरपडे यांनीं जीं भाषणें केलीं त्यावरून कित्येकांचा असा समज झाला कीं, आम्हांला या बिलाला विरोध करावयाचा आहे, व त्यामुळें त्यानंतर दोन किंवा अडीच दिवसपर्यंत वक्तृत्वाची जी फैर झडली तिचा समळा मारा मी आणि माझे मित्र श्री. घोरपडे यांच्याकडे वळला होता. तो मारा आम्हीं सहन करूं शकलों यांबद्दल मला आज फार आनंद वाटत आहे. श्री. घोरपडे यांच्याबद्दल जरी मी बोलूं शकत नाहीं व बोलण्याची माझी इच्छा नाहीं तरी, माझ्या स्वत:पुरतें बोलावयाचें तर त्यावेळीं मी जो विरोध केला तो जरी हिशोबानें केला नव्हता असें म्हटलें तरी, कांहीं एका हेतूनें केला होता, हें मी निश्चितपणें सांगतों. कारण तसें करण्याच्या मागें १९३८ सालीं जेव्हां हें बिल पहिल्या प्रथम या सभागृहांत चर्चेसाठीं आलें त्यावेळचा अनुभव माझ्या डोळ्यांसमोर होता, आणि पहिल्याच वेळेला जर कोणी खणखणीत आवाजांत एका टोंकाला विरोध केला नाहीं तर बिलाचीं कलमें दुसऱ्या टोंकानें ओढणारीं जीं माणसें असतात त्यामुळें बिल निदान मूळच्या स्वरूपांत कायम रहाण्यास पाहिजे तो हेतुहि कसा विफल होतो याचा अनुभव मला होता, आणि म्हणूनच पहिल्याच वेळेला आम्हीं विरोध केला, निदान मी तरी केला.

The Hon. the SPEAKER : The hon. Member will remember that he did not oppose the first reading. He supported the first reading, but only criticised some of the provisions of the Bill.

Mr. S. L. KARANDIKAR : तें बरोबर आहे. कांहीं लोकांनीं असा गैरसमज करून घेतला कीं आम्ही विरोध करीत होतों. पण, ज्या हेतूनें आम्हीं त्यावेळीं भाषणें केलीं त्याचा असा उपयोग झाला

[Mr. S. L. Karandikar]

कीं, सिलेक्ट कमिटींत तरी बिलाचें स्वरुप फारसें बदललें नाहीं. सिलेक्ट कमिटींत बिल गेलें म्हणजे थोडासा बदल हा होणारच. मी स्वत: काहीं सिलेक्ट कमिटींत नव्हतों, आणि असतों तर माझ्या तोंडाला पुष्कळ आवर घालावा लागला असता. पण, अखेरीस बिलाचे जे मुख्य भाग आहेत ते जशाचे तसें राहून बिल या सभागृहांत चर्चेसाठीं परतं आलें याला आम्हीं जीं त्यावेळीं भाषणें केलीं तींच पुष्कळ अंशीं जबाबदार आहेत असें मी समजतों, व स्वत:चें अभिनंदन स्वत:च करून घेणें जरी कांहीं वेळीं अनुचित असलें तरी, तेंहि पत्करून स्वत:चें अभिनंदन करून घ्यायला माझी आज तयारी आहे.

पहिल्या वाचनाच्या वेळीं आम्हीं दोघांनीं तडाखेबंद मारा खात असतांना माझ्या शेजारी बसलेल्या एका सन्माननीय सभानदानें मला विचारलें कीं, तुम्हांला हा उपद्व्याप करायला कोणी सांगितला होता? मी त्यांना म्हटलें कीं, मी त्यामुळें शॉक अब्सॉर्बरचें काम करीत होतों. याचा अर्थ असा कीं, आम्हीं जर तो मारा सहन केला नसता तर, त्याचा ओघ साहजिकपणेंच हें बिल ज्यानें तयार केलें किंवा सभागृहांत मांडलें त्यांच्यावर वळला असता आणि बिलाचे किती तुकडे झाले असते आणि पड झड झाली असती ती सांगतां येणें शक्य नाहीं. तशी पड झड झाली नाहीं आणि बिल जसें सुरक्षितपणें सिलेक्ट कमिटींतून बाहेर यायला पाहिजे होतें तसें आलें याबद्दल मला आनंद होत आहे. शॉक अब्सॉर्बर हा शब्द जरी आधुनिक दिसला तरी खऱ्या अर्थानें तो आधुनिक नाहीं. शनिवार वाड्यापुढें उभ्या असलेल्या मोठ्या दरवाज्याला सुळके आहेत त्यांचें काम शॉक अब्सॉर्बरचेंच होतें. हत्तीनें दरवाज्यावर जरी कितीहि टकरा मारल्या तरी दरवाज्याला इजा होऊं नये म्हणून त्या दरवाजाचे सुळके शॉक अब्सॉर्बरचें काम करीत असत. त्याचप्रमाणें मी व माझे मित्र श्री. घोरपडे यांनीं केलें आणि त्यामुळें हें बिल सुरक्षित बाहेर आलें. अजूनहि बिलामध्यें अशा गोष्टी आहेत कीं त्यांच्याबद्दल मन साशंक होतें.

मी मघाशी सांगितल्याप्रमाणें या स्कूल बोर्डाच्या हाताखालीं असणारा जो लोअर स्टाफ आहे त्याची इतकी दैना झाली आहे कीं, लोकशाहीच्या कारभारांत त्याचे बिचाऱ्याचे हाल पुसणारा कोणीहि नाहीं. ही जराशी चिंता वाटण्यासारखीच गोष्ट आहे यांत शंका नाहीं. पण पुष्कळसें जाणार होतें त्याऐवजीं बराच भाग बचला. त्याचें मुख्य कारण आम्ही पहिल्या वाचनाच्या वेळीं जी टीका केली हेंच होय असें मी समजतों. स्कूल बोर्डाच्या लोकांवर आपण येथें बसून टीका करतों त्यावरून जों स्कूल बोर्ड या टीकेला पात्र

[Mr. S. L. Karandikar]

आहेत तीं याचा अर्थ नीट समजतील एवढें झालें तरी पुष्कळ कार्य झालें असें म्हणावयास हरकत नाहीं. आपण यापुढेंहि जर अनेच वागलों तर मागें ज्याप्रमाणें १९३५ सालीं व दुसऱ्यांदा १९३७ सालीं आपल्या हातची सत्ता काढून घेतली गेली त्याप्रमाणें ती सत्ता अजिबात काढून घेतली जाऊन आपल्याला कोनाड्यांतल्या दगडाची अवस्था येईल ही गोष्ट स्कूलबोर्डाचे लोक समजतील व पूर्वापेक्षां जास्त जबाबदारीनें वागूं लागतील, अशी मी आशा करतों. त्यांना जर तशी आवड असेल किंवा जे लोक सत्ता लोलुप असतील त्यांच्याबद्दल मला काहींच बोलावयाचें नाहीं, पण सेवाबुद्धीनें काम करण्याची ज्यांची इच्छा आहे ते लोक यापासून योग्य तो बोध घेतील व यापुढें असेंच स्थान राहणार नाहीं या जाणिवेनें व शहाणपणानें वागतील एवढा तरी उपयोग या बिलानें निश्चित होईल असें मला वाटतें. या दृष्टीनें हें बिल लोकोपयोगी ठरेल अशी मला खात्री आहे.

आतां या बिलावर ज्या निरनिराळ्या टीका करण्यांत आल्या त्या बाबतींत असें आहे कीं; मनुष्याला कांहीं परिस्थितींत तसें बोलावें लागतें. पंत प्रधानांनीं सांगितलें कीं ते या बिलाकडे आशावादी दृष्टीनें पहातात, तर श्री. डांगे म्हणतात कीं ते निराशेनें पहातात. यांत असें आहे कीं, ज्या भूमिकेवर एकादा मनुष्य उभा असतो त्या भूमिकेला धरून त्याला पुष्कळ वेळां बोलावें लागतें. आपणाला येथें लोकांच्यापुढें आशावाद मांडावयाचा आहे. कित्येक वेळां आपल्या मनांत निराशावाद असला तरी तो आपण बोलून दाखवीत नाहीं. सन्माननीय सभासद श्री. डांगे यांनींहि आशावाद अजिबात सोडून दिला आहे असें नाहीं. पण त्यांना एका विशिष्ट भूमिकेवरून बोलावयाचें आहे इतकेंच. या बाबतींत वॉटरटाइट कंपार्टमेंटस् आहेत असा त्यांचा अर्थ नाहीं. तेव्हां इतके दिवस या सभागृहांत बिलावर जी चर्चा झाली आणि तावून सुलाखून हें बिल बाहेर निघालें त्याचा शिक्षणाची वाढ होण्याच्या कामीं पुष्कळच उपयोग होणार आहे, आणि याचें मला फार महत्त्व वाटतें.

उद्यां युनिव्हर्सिटी बिल या सभागृहांत चर्चेसाठीं येणार आहे. त्या बिलाचें महत्व मी ओळखतों, पण प्राथमिक शिक्षणाइतकें महत्व मी त्याला देत नाहीं. युनिव्हर्सिटीचें शिक्षण जरी पांच वर्षें थांबलें तरी कांहीं मोठें नुकसान होणार नाहीं, पण प्राथमिक शिक्षणाच्या बाबतींत एक क्षणसुद्धां वाया जाऊं नये किंवा चुकीच्या पद्धतीचें शिक्षण दिलें जाऊं नये असें माझें म्हणणें आहे. कारण तसें करणें मी पाप आहे असें समजतों. याला कारणें आहेत. माझा या देशांतील माणुसकीवर फार विश्वास आहे. ज्या देशामध्यें १० टक्के

[Mr. S. L. Karandikar]

देखील लोक शिकलेले नाहींत त्या देशांत परकी सत्तेच्या राजवटींत १५० वर्षांच्या अवधींत ताडमाडाइतक्या उंचीचीं माणसें निर्माण झालीं. असें असतां ज्या देशांत ९० टक्के लोक अशिक्षित राहिलेले आहेत तीं ९० टक्के लोकांची भूमि विकसित झाली तर माणुसकीचे केवढे मोठे नमुने आपणांला जगापुढें ठेवतां येतील! शिक्षण मिळालें नाहीं म्हणून मनुष्य किती आंधळ्यासारखा जगांत वावरत असतो याचा अनुभव मला गेल्या निवडणुकीच्या वेळीं आला. निवडणूक होण्यापूर्वी मी आमच्या जिल्ह्यांत हिंडत असतांना मी तेथील एका मनुष्याजवळ बोलत होतों. तो मनुष्य शिक्षक असल्यामुळें अशिक्षित नव्हता पण त्याला इंग्रजी येत नव्हतें. पण तो इतका चौकस होता कीं त्या गांवांतील वर्तमानपत्रांच्या मराठी वाचनाच्या जोरावर तो राजकारणाच्या मोठमोठ्या गोष्टींची चर्चा उच्च पातळीवरुन करूं शकत होता. हें पाहून मला वाटलें कीं या माणसाला जर इंग्रजी येत असतें तर तो आम्ही लोक जे येथें बडबड करणारे आहोंत त्यांच्यापेक्षांहि कदाचित् श्रेष्ठ ठरला असता. इंग्रजी येत नाहीं म्हणून त्या माणसांची उंची कमी झाली होती. तेव्हां प्राथमिक शिक्षणाचें महत्व मी या दृष्टीनें मानतों कीं या सगळ्या लोकांचें संस्कार शिक्षण न दिल्यामुळें दाबून टाकलें गेलें होते, त्यांना वर आणण्याचें काम शिक्षण करणार आहे. याचा अर्थ असा कीं ऐवढ्या मोठ्या जनतेमध्यें जे सुप्त संस्कार आहेत ते अंकुरित करण्याची संधि शिक्षणामुळें मिळणार आहे.

म्हणून गेले दोन दिवस अमृतमंथन करून हें बिल सुरक्षित बाहेर पडल्यामुळें च बिलाची उपयुक्तता कायम राखल्याबद्दल मी नामदार पंत प्रधानांचें अभिनंदन करतों. बिल सिलेक्ट कमिटींत गेल्यानंतर तेथें बिलावर काय गंभीर चर्चा झाली असेल तो मला माहीत नसली तरी, त्याबाबतींत तर्क करतां येण्याजोगा आहे. बिलामधील कांहीं महत्वाचे भाग गाळावे याबद्दल खळखळ झाली असण्याचा संभव आहे. मी सिलेक्ट कमिटींत नव्हतो व असतों तर माझ्या तोंडाला आवर घालावा लागला असता. तेव्हां बिलाचे सर्व महत्वाचे भाग शाबूत ठेवून बिल परत सभागृहांत मांडण्याची तड गांठली याबद्दल नामदार पंत प्रधानांचें अभिनंदन करून मी आपलें भाषण पुरें करतों.

Mr. T. S. JADHAV (Sholapur North-east): अध्यक्ष महाराज, या बिलाला पाठिंबा देण्याकरितां मी उभा आहे. सर्व लोकांना साक्षर करणें हा गोष्ट आतांपर्यंत झाली नाहीं म्हणून या लोकशाही सरकारनें जशी इतर बिलें सर्व साधारण लोकांच्याकरितां पास केलीं आणि ती जशी सभ्यांच्या काळामध्यें क्रांतिकारक आहेत तशाच प्रकारचें हें एक बिल मोठ्यातलें मोठें क्रांतीकारक असें आहे. या बिलामुळें गांवोगांव कोणीही निराधार राहणार नाहीं. या बिलामुळें

[Mr. T. S. Jadhav]

शिक्षणाची उत्तमपैकीं तजवीज केली जाईल. इतकेंच नव्हे तर आईबापांनीं मुलांना शाळेत पाठविलें नाहीं तर त्यांना प्रथम दोन रुपये आणि दररोज आठ आणे दंड ठेवला आहे. या दंडाच्या दहशतीमुळें आपला मुलें शाळेला पाठविणें जरूरीचें आहे असें आईबापांना वाटूं लागेल. हें बिल सिलेक्ट कमिटींतून आलें असून त्याच्यामधील केलेल्या सुधारणा योग्य आहेत. क्लॉज १४ मध्यें प्रथम जे अधिकार स्कूलबोर्डाला असतील ते आपण होऊन सोडावयाचे झाल्यास D. L. B. ची संमती पाहिजे असें म्हटलें आहे हें चांगलें आहे. यांत लोकसंमती आली. स्कूल बोर्डाचे जे मेंबर असतात त्यांचे संमतीनें हें झालें पाहिजे. तसेंच बोर्डाची संमती असावी ही फार चांगली गोष्ट आहे. स्कूल बोर्डाला डिस्ट्रिक्ट लोकलबोर्डानें निवडून द्यावे आणि त्यांनीं परस्पर अधिकार त्यागाचा ठराव करावा कीं, "आम्ही आपण स्वत: होऊन अधिकार सोडतो" ही गोष्ट कोणी करणार नाहीं, आणि जरी केली तरी त्याला D. L. B. ची संमती पाहिजे. या दुरुस्तीमुळें लोकशाहीचा कारभार चालवावयाला अशक्य झालेली परिस्थिति सुधारली जाईल. तालुका सल्लागार समिती करतांना स्कूलबोर्डाचे २/३ सभासदांची अट होती ती काढून बहुसंख्य मत असावें अशी जी दुरुस्ती केली आहे ती चांगली आहे. प्रॉव्हिडंट फंडाची शिक्षक लोकांकरितां सोय केली आहे तीहि चांगली आहे. त्याचबरोबर प्रथम वाचनाचे वेळीं जी एक डिव्हिजनल इन्स्पेक्टर, चेअरमन आणखी ॲडमिनिस्ट्रेटिव्ह ऑफिसर या तिघांचीं सिलेक्ट कमिटी नेमली आहे, तिचा डिव्हिजनल इन्स्पेक्टर अध्यक्ष केला होता. सर्व हौसेनें त्याला विरोध केला होता. विरोध लक्षांत घेऊन ती गोष्ट त्याच्यामधून काढून टाकली आहे ही गोष्ट फार चांगली आहे. याच्याशिवाय एक मोठी फार चांगली दुरुस्ती क्लॉज २३ सबक्लॉज ४ मध्यें केली आहे. ट्रेनिंग कॉलेजला शिक्षक जे आतांपर्यंत A. O. च्या इच्छेप्रमाणें पाठविले जात असत ते बंद केलें असून ते शिक्षक आतां सिलेक्ट कमिटीनें पाठविले पाहिजेत असें केलें आहे. हीहि एक फार चांगली गोष्ट झाली आहे. ह्या ट्रेनिंग कॉलेजमध्यें शिकणाऱ्या शिक्षकांना मुसता १५ रुपये पगार मिळत होता. त्यांत त्यांचें भागत नाहीं. टेंपरी शिक्षकांची सर्व्हिस २ वर्षांपेक्षां जास्त झाली कीं, त्यांना कायम केले पाहिजे असा नियम असतांना ४-४ वर्षांची नोकरी झाली तरी त्यांना कायम न करतां ट्रेनिंग कॉलेजला शिक्षणाकरितां पाठवितात, आणि तेथें कायम शिक्षकाप्रमाणें पगार न मिळतां फक्त १५ रुपये मिळतात. त्यामुळें त्यांच्यावर मोठा अन्याय होतो. दुसरी गोष्ट अशी कीं कलम २९ मध्यें मुलांना किंवा

[Mr. T. S. Jadhav]

मुलींना असा ऑप्शन होता तो काढून दोघांनाही कंपलसरीली (सक्तीनें) शिकविलें पाहिजे असें केलें आहे, ही फार चांगली गोष्ट आहे. पुष्कळांनीं अशा सूचना केल्या होत्या कीं, दोघांनाहि कंपलसरी शिक्षण असावें. त्याच वेळीं माझा बोलण्याचा विचार होता पण जमलें नाहीं. क्लॉज २४ (२) याच्यामध्यें transfer (बदली) शब्द असता तर फार चांगलें झालें असतें. जर तो 'बदली' हा शब्द असता तर ॲडमिनिस्ट्रेटीव्ह ऑफिसरच्या अन्यायामधील एक मोठ्यांतलें मोठें संकट टळलें असतें. A. O. च्या एकतंत्री कारभारामुळें कशा तऱ्हेचा कहर उडतो यांचा नमुना सोलापूर जिल्ह्यांत पाहावयास मिळेल. पूर्वी शाळामास्तरची बदली करणें चेअरमनच्या हातांत होतें त्यावेळीं अन्याय होतात असें कांहीं लोक म्हणत होते. १९३८ सालीं हा अधिकार A. O. कडे दिला गेला. चेअरमन व A. O. मध्यें कांहीं फरक नाहीं. बदली करतांना चेअरमनची जी पॉलिसी होती तींच पॉलिसी A. O. ची झाली आहे. निदान चेअरमनला पुनः निवडून यावयाचे असतें म्हणून तो फारसा अन्याय करीत नसे. मी १९३८ सालीं D. L. B. चा सोलापूर जिल्ह्यामध्यें प्रेसिडेंट असतांना हा बदलीचा अधिकार A. O. कडे आला. शेंकडा २० टक्के पेक्षां जास्त लोकांच्या एकाच वेळीं बदल्या करूं नये असा नियम असल्याचें ऐकतों. A. O. ला १९३८ पासून अधिकार दिल्यामुळें दुसरा अनर्थ झाला. तो असा कीं, युद्धफंड जमा करण्याकरितां चेअरमनलां न विचारतां A. O. नें स्वतःच्या सहीनें सर्क्यूलर काढून मास्तर लोकांना पाठवून युद्धफंड गोळा करण्यास सांगितलें. असाच प्रकार या बदल्यांचे बाबत घडला आहे. सोलापूर जिल्ह्यामध्यें एका A. O. ची १५ दिवसाकरितां टेंपररी नेमणूक झाली होती. या अल्पावधींत त्यानें दोनतीनशें शिक्षकांच्या बदल्या एकाच वेळीं केल्या. लोकांनीं तारा केल्या. तक्रारी अर्ज केले. मजकडे तक्रारी पाठविल्या. D.P.I. नें चौकशी केली. या बदल्यांत मोठें वैशिष्ट्य आहे. तें म्हणजे सोलापूर जिल्ह्यांत ज्या ज्या ठिकाणीं हेडमास्तर इतर समाजांतले आहेत त्यांना काढून त्यांचे जागेवर A. O. नें आपल्या जातींतले लोक हेडमास्तर म्हणून नेमले आहेत, आणि त्या पूर्वीच्या हेडमास्तरला त्याच ठिकाणीं असिस्टंट म्हणून काम करण्यास लावलें आहे. अशा तऱ्हेचा अन्याय झाला आहे. कांहींनी बदली झाली म्हणून सामान टेकलें न टेकलें तों पुनः त्यांचीं त्या ठिकाणाहून दुसरीकडे बदली केली गेली. बऱ्याच शिक्षकांनीं A. O. च्या विरुद्ध साक्षी दिल्या. कांहीं शिक्षकांनीं A. O. नीं आम्हांजवळ पैसे मागितले वगैरे नाना तऱ्हेच्या तक्रारी दिल्या. एका शाळा मास्तरणीनेंहि A. O. च्या विरुद्ध

[Mr. T. S. Jadhav]

आपला अर्ज दिला. ही चौकशी आठ दिवस चालली होती. इतके झालें तरी त्या टेंपररी A. O. ला फिकीर नाहीं. तो अजून असें म्हणतो कीं: 'माझे कोण काय करणार आहे. मी केले तेच बरोबर आहे. सध्यांच्या कायद्याप्रमाणें A. O. च्या विरुद्ध तक्रार करण्याचा बोर्डाला किंवा चेअरमनला अधिकार नसल्यामुळें ते माझे कांहीं करूं शकत नाहींत'. एथपर्यंत A. O. बोलतो. या कलमामध्यें रिडक्शन, रिमूव्हल, डिसमिसल या शब्दप्रयोगांऐवजीं ट्रॅन्सफर हा शब्द असता तर फार चांगलें झालें असतें. A. O. ला बदल्या करण्याचा अनियंत्रित अधिकार ठेवल्यानें वरील प्रमाणें अनर्थ होतो. पूर्वीच्या A. O. नें कांहीं शिक्षकांच्या बदल्या केल्या त्या प्रमाणें ते शिक्षक त्याठिकाणीं जाऊन कामाला सुरवात करतात न करतात तों या A. O. नें त्यांना तेथून दुसरीकडे बदललें. यामुळें पुष्कळ शिक्षकांना फारच त्रास झाला. हेंच बदलीचें काम A.O. नें चेअरमनच्या विचारानें घेतलें असते तर इतका अन्याय झाला नसता. या बदली प्रकरणांत A. O. या बाकीच्या कामाकडून जातीयवाद फारच माजविला गेला. इतर जातींतले पुष्कळसे शाळा मास्तरची गैरसोय करून आपल्या जातीच्या शाळा मास्तरांची सोय केली. इतकेंच नव्हे तर A. O. नें ज्या शाळा हेडमास्तरनी ७/७, ८/८ वर्षे मेहनत करून शाळा चांगल्या वाढविल्या त्या मास्तरच्या जागीं आपल्या जातीतल्या असिस्टंट मास्तरला घालून हे मास्तर बनविले. याच्या हाताखालीं त्या ठिकाणच्या पहिल्या हेडमास्तरना असिस्टंट-मास्तर बनविले. इतरांच्या गैरसोयी करून आपल्या वर्गाच्या मास्तरांच्या सर्वत्र सोयी केल्या. अशा तऱ्हेचा A. O. कडून सर्वत्र अन्याय झाला आहे. असे होऊं नये म्हणून बदली वर सुद्धां अपील करण्याचा शाळा मास्तरांना अधिकार असावा म्हणून transfer हा शब्द यांत असता तर बरें झालें असतें. चेअरमनला हा transfer करण्याचा अधिकार होता. पण इतका कहर उडत नसे; कारण त्याला लोकमतावर निवडून येण्याचा विचार करावा लागत असें. आपण असें करूं तर पुनः निवडून येणार नाहीं हीं त्याला धास्ती असे पण A. O. ला लोकमताची पर्वा राहत नाहीं.

Mr. B. G. KHER: May I say, Sir, that at the third reading stage the hon. Member is not entitled to dilate on clauses in the manner in which he is doing now? If necessary, I may draw his attention to a ruling of the Chair on this point, but I believe that the hon. Member is exceeding his limits. It will be a very good speech on the first reading stage. He could also have spoken like this either when the amendments were moved or when the clauses were considered. He has been dilating

[Mr. B. G. Kher]

on one clause for ten or fifteen minutes now, and I believe that he is exceeding his limits.

The Hon. the SPEAKER : I was trying to see how far the hon. Member was relevant when he was dilating on clause 24. So far as his reference to the question of transfers, which is not included in the clause, is concerned, his comments were relevant ; but the other questions like reduction, etc. are included in the clause and comments on them will not be relevant.

Mr. T. S. JADHAV : हें सुचविण्यांत माझा हेतु बिलाला विरोध करण्या चा नसून त्यांत एवढी दुरुस्ती असावयास पाहिजे होती असें सांगण्याचा आहे. आपण चांगल्या हेतूनें कायदा करतो पण त्याचा परिणाम अधिकारी वर्गाच्या हातून फारच वाईट होतो. याचा विचार करूनच कोणता अधिकार नोकरांस द्यावा कोणता न द्यावा हें पहावें लागतें.. दररोजच्या व्यवहारामध्यें या गोष्टींचे महत्त्व आहे म्हणून मी थोडेसें तपशीलवार बोलत होतों. हें बिल सर्व साधारण लोकांचें करितां फार उत्तम आहे. मी या बिलाला पाठिंबा देऊन माझें भाषण पुरें करतों.

Mr. M. M. A. BHAIJI (Kolaba District) : In giving my support to the third reading of this Bill, I would like to offer a few remarks. This piece of legislation will be passed by this House today. It will then go to the Upper Chamber and in a few days' time it will be put on the statute book. This piece of legislation is meant to bring into being a machinery which will properly expand, control and supervise primary education in this province. When the Bill was introduced, constructive suggestions were offered ; and when it went to the Select Committee, certain important changes were made. There is hardly any change which requires to be made in the Bill as it has emerged out of the Select Committee. That is the reason why this side of the House remained silent during the second and clause by clause readings of the Bill. We found that the Bill had been thoroughly considered by the Select Committee and there was nothing which required any amendment or modification.

Sir, as stated in the Statement of Objects and Reasons, this piece of legislation has been brought forward in pursuance of the policy of Government of making primary education universal and compulsory, within as short a period as possible. I know that legislation is a means to an end. The actual administration is a matter for Government. We as legislators are concerned with the passing of the enactments. But when I say this I do not mean that Members of this House will not co-operate with Government in making the measure a success. Each and every Member is expected to co-operate with Government in his own way. It is the duty of each one of us to co-operate with Government in making this legislation as successful as possible. I said just now that Government's policy is to make primary education

[Mr. M. M. A. Bhaiji]

universal and compulsory. That is no doubt a very welcome step. It is a move to accelerate the spread of primary education. We know that report after report has been issued on the subject of progress of primary education in the province. We find from these reports that primary education has progressed in many directions. There has been an increase in the number of schools ; the number of children attending the schools has increased ; and the expenditure on primary education has gone up. If we compare the present expenditure of Government on primary education with that 30 years ago, we will find that it has increased tremendously. In fact, our expenditure on primary education has risen by about 600–700 per cent. over our expenditure in 1930. There is also an increase of about 250 per cent. in the number of pupils attending primary schools over the 1930 figures, and there is also a considerable increase in the number of primary schools. But in spite of these encouraging figures, I am sorry to say that the literacy percentage has not gone up to any appreciable degree. Whatever money we spend on primary education, we must get a fair return for it in the form of increased literacy amongst our population. Therefore, my humble suggestion to Government is that it is not enough simply to provide universal, free and compulsory education, but that Government must also see that it gets proper return for the money it spends in the form of higher literacy among the masses. Government's duty does not end with opening more schools and compelling more and more children to attend them. Government will in reality have achieved something substantial if at the end of 10 years it can show that the percentage of literacy of the population has risen, for that would be an asset to the Province as a whole.

Then, Sir, I want to emphasise that while we make primary education universal, free and compulsory by opening new schools, we must see that the schools are run efficiently. Whatever money Government spends must be properly utilised and must bear fruit so that in the end our object, namely, the spread of education among the masses, is achieved.

Allied to this question of spread of literacy is the question of having efficient teachers. Till now teachers have been meagrely paid, and so it was said that they were not doing their work efficiently because of that. I am, however, of the view that the efficiency of teachers will not be raised by paying them higher salaries. We must have properly trained and efficient teachers, and if they are not already trained, then we must make arrangements for their training. I do not mind paying higher salaries to teachers, but we must get proper return from them ; they must give proper education to our children. With these words, I support the third reading of this Bill.

The Hon. the SPEAKER : I am afraid that the hon. Member has got the impression that the scope of discussion at the third reading

[The Speaker]

stage of the Bill is very wide. That is not so; and I desire to bring it to the notice of hon. Members that at this stage the scope of the discussion is very restricted. The speeches of the two hon. Members who have spoken just now were of a nature that would have been proper only on the first reading of the Bill. It is true that some general remarks are allowable at the third reading stage but they must be in relation to the amendments made at the second reading of the Bill. I hope hon. Members will bear these facts in mind and offer only such remarks as would be relevant and useful at this stage.

Mr. S. A. DANGE: Sir, I rise to support the third reading of this Bill. Some amendments have been accepted and some others have been rejected, but, on the whole, the Bill as it is going to be passed is no doubt progressive. We are on the point of passing this Bill, and Government deserves to be complimented on this measure. As stated in the preamble to the Bill, its object is to introduce universal, free and compulsory primary education in the province. All the three words are significant. By the word "universal" it is meant that primary education will be given irrespective of any considerations of class, caste or sex. By the word "free" it is suggested that primary education will be available to all irrespective of any considerations of wealth. Both the rich and the poor will get it. Then by the word "compulsory" it is suggested that even those who have a prejudice against education will have to keep aside their prejudice and receive primary education.

Sir, this Bill is going to be passed today because of the Government which we have today. It was not possible for the previous Government to pass such a measure. In mediæval times we had the great Hindu premier Chanakya, who also could not pass such a measure; nor could Abul Fazl, the great Muslim educationist and Minister of Akbar. Also it was not possible for the great King Shivaji or his Ministers. This does not mean that all these people were less clever or less capable than the Hon. Premier Mr. Kher. They could not do it because they lived in different times. Today it has been possible for the Hon. Premier because we are living in a new era of civilisation which gives us the power and the means to introduce universal, free and compulsory primary education. Therefore, I say this Bill is the fruit of modern democracy.

No doubt by the rejection of my amendments certain drawbacks in the Bill have been left. Although its intentions are democratic, in the matter of execution the Bill is less democratic than it ought to be. It is a positive improvement that under this Bill Government has taken over from the local boards the control of primary education and has thus put a stop to the anarchy that existed in them so long. It is a good thing that the salaries of teachers etc., will be determined by Government. Similarly, there are various other amendments made in the Select Committee which have made the Bill more effective.

[Mr. S. A. Dange]

But as I said, in the matter of execution the Bill is less democratic, and this is especially so with regard to the financial aspect of primary education. When we grant the principle that it is the right of every citizen to receive primary education, we must see to it that society as a whole gives the money required for it. The poverty or richness of the local boards or municipalities should not stand in the way of giving equal facilities to them for spreading primary education. There should be no unevenness of treatment based on the poverty or opulence of this body or the other. Under the Bill as it is going to be passed, this defect still remains. Similarly, the principle that Government shall bear only a part of the expenditure and the rest shall be provided by the local bodies by local taxation will give rise to unequal treatment. When you say that primary education will be universal, free and compulsory, there ought not to be this differentiation and the money required for it should come from the taxation of the rich. We want to liquidate the illiteracy of the nation and there ought not to be any distinction on the ground that this area is rich or that area is poor. Therefore, in my opinion, so far as the financial aspect of the matter is concerned, this Bill is less democratic than it ought to be.

Similarly, in administration, for example, I have pressed that the teachers should be permitted to exercise their rights of organisation, to lend their advice and thus to strengthen the administration. It should not be left to the bureaucracy. Again, parents of children are nowhere in the administration of the school boards, except as voters. In fact, I should have expected a Parents' Committee to assist the school boards which will be governing the fate of their children. So, in such matters of administration, the Bill is really less democratic than it should have been. Also, in the matter of permitting private agencies in education, the Bill is not very sound. The aim of universality in education is detracted by reason of the fact that education is made subject to several private agencies. Certainly, the Bill as a whole is a progressive step in the right direction. We have stepped into an epoch, as I call it, of democratic revolution, but that revolution is not yet an accomplished fact, because we can call it in this sphere, a fact only when every primary institution and every child is brought within the framework of the operation of the Bill. For example, it would be a bad thing to continue to have a clause like clause 20, exempting sections of people from the operation of the Bill. No doubt the increasing resources of our country will not be allowed to go on accumulating in the hands of the big profiteers and the municipalities and boards will not be left only to their local resources in order to make the nation educated. We shall certainly get all the resources of our nation in ourhands, so that the pre-requisites to democracy are assured to every one. In our epoch today, a living wage, a house to take shelter in, and primary education to enable people to think are the pre-requisites of democracy. A living wage we are fighting for, a house we

[Mr. S. A. Dange]

are going to get and primary education is promised by this Bill. So all these pre-requisites are there. The wealth of the nation is there so that, if primary education is threatened with collapse for want of finance, taxes on the poor need not be increased. All the productive resources of our country will be utilised in order to manufacture a citizen who could not be manufactured either by the Hindu Chanakya or the Muslim Akbar or the Maratha Shivaji, but which our democracy alone can do. Therefore, Sir, let us pass the Bill and congratulate our Government on their bringing in such a measure.

Mr. R. B. GHORPADE: Mr. Speaker, Sir, I rise to support the third reading of the Bill without any reservations whatsoever, and I congratulate the Hon. the Prime Minister from the bottom of my heart. Of course, I did strike a discordant note at the first reading of the Bill, but now as I have seen it emerge from the Select Committee, I think I should support it. I owe an explanation to the House, and particularly to the Hon. the Prime Minister. While striking a discordant note at the first reading of the Bill, I did not mean to wound the feelings of the Prime Minister, nor did I mean to show any disrespect to him. There was nothing of that sort.

We have now heard the debate for two and a half days, and as my hon. Friend Mr. Karandikar said, we two were the butt of attack. The Bill as it has emerged from the Select Committee is really very satisfactory. I feel quite happy about it and give my wholehearted support. The only part that is now left is the administrative part, and I do not wish to go into it. However, I hope that it will be very well attended to and that the entire spirit and the letter of this Bill will be given effect to under the direct supervision of the Hon. the Prime Minister.

Mr. DADAMIYA SYED IBRAHIM (Satara District): محترم جناب صدر صاحب - گورنمنٹ نے جو پرائمري ايجوکيشن بل پيش کيا هے اسکي ميں تائيد کرتا هون - يہ کہتے هوئے مجھکو خوشي هوتي هے کہ همارے صوبے ميں چار جماعت تک کمپلسري ايجوکيشن قائم هو رهي هے - اس سے صوبہ کا هر آدمي خوش هوگا اور گورنمنٹ کو دعائيں ديگا - عام طور سے مدرس اور اسکول بورڈ کے ملازم زيادہ خوش هونگے - گورنمنٹ نے اسکول بورڈ کے بيسے کے خرچ کا تمام کاروبار اپنے ذمہ ليا جس سے مدرسوں اور ملازمون کي تنخواہيں باقاعدہ مہنگائي کے ساتھ ملا کرينگي - جب اسکول بورڈ کے

[Mr. Dadamiya Syed Ibrahim]

ماتحت یہ کاروبار تھا اُس وقت مدرّسون اور ملازمون کے ساتھ بے انصافي ہوا کرتي تھي - اگر یہ بے انصافی کسي دوسرے ڈیپارٹمنٹ میں ہوتی تو اس کا اثر اس ڈیپارٹمنٹ تک ھي محدود ہوتا مگر اسکول بورڈ کے بے انصافي کا اثر مدرّسون پر ہی نہیں بلکہ بچون کي ایجوکیشن پر بھي ہوتا ھے - اس لئے میري درخواست ھے کہ حکومت مدرّسون اور ملازمون کي طرف اپني توجہ دیکر مدرّسون کے ساتھ اچھا برتاؤ کر کے ان کي ہمت افزائي کرے - ہمارے ضلع ستارا میں ایڈمنیسٹریٹو افسر کا جو چناؤ ابھي کیا گیا ھے اس میں مدرّسون کے ساتھ انصاف نہیں کیا گیا بلکہ ناانصافي ہوئي ھے - جو مدرس قابل، اچھا کام کرنے والے زیادہ سروس والے تھے ان کا ایڈمنسٹریٹو افیسرس میں چناؤ نہیں ہوا - ان کي جگہہ جن کا چناؤ ہوا ھے انکي سروس کم ھے اور کام بھی ان سے اچھا نہیں ھے پھر بھي ان کا چناؤ ہوا اورحقدار کا حق نہ دیا گیا اس سے سب مدرّسون پر برا اثر ہوا - جو ایڈمنیسٹریٹو افسر کئے گئے انمیں ایک پریجن لیا گیا اس نے دو چار مہینہ کام کیا پھر اسکو واپس بھیج دیا گیا - یہ جو کچھہ ہوتا ھے اسکا اثر مدرّسون پر بہت ہي خراب ہوتا ھے اس لئے یہ نہیں ہونا چاہئے - ان کے جو حقوق ہیں وہ ان کو ملنا چاہئے - مدرّسون کو اپنا کام اچھا کرنا چاہئے اسمیں کوئی شک نہیں لیکن اس کے بارے میں گورنمنٹ کو کہنا چاہتا ہوں کہ جو مدرّس اچھا کام نہ کریں تو ان کي تنخواہوں میں جو بڑھتی ملتي ھے ان کو ملتوئي رکھا جائے - مدرّسون کو جو سالانہ ریمارک (remark) ملتے ہیں ان ریمارکس میں fair, excellent, very good, good, poor, very fair وغیرہ ریمارک رہتے ہیں اسمیں اگر کسي کے لئے poor ریمارک ہو تو اسکو punishment دینا چاہئے،

[Mr. Dadamiya Syed Ibrahim]

اور اگر good ریمارک ہو تو اسکو تنخواہ زیادہ دینا چاہئے - ایسا کرنے سے مدرّس کام کرنے میں دلچسپی لینگے اور سب کام اچھی طرح ہوسکیگا - اس طرح سے branch post بھی مناسب حقدار آدمیوں کو دینا چاہئے ورنہ اس سے بھی مدرّسوں کا دل بگڑ جاتا ھے -

بعض جگہوں پر ایسا ہوتا ھے کہ جو ہیڈ مدرّس ھے اسکے ماتحت اسسٹنٹ ماسٹر جو دیا جاتا ھے وہ ہیڈ ماسٹر سے زیادہ پڑھا ہوا، زیادہ سروس والا اور زیادہ تنخواہ والا مقرر کیا جاتا ھے - اس سے سب مدرّسوں میں بے دلی پیدا ہوتی ھے - دراصل انکو ان کے درجہ کے مطابق جگہ دیکر ان کی ہمت افزائی کرنی چاہئے - مجھے امید ھے کہ حکومت اس طرف اپنی توجہ دیگی -

گورنمنٹ ایجوکیشن کی جو جو اسکیمیں تیار کرتی ھے ان کو عملی جامہ پہنانے والے یہی مدرّس ہوتے ہیں اس لئے، حکومت کا فرض ھے کہ مدرّسوں کو اطمینان بخش رکھنا چاہئے - مجھے امید ھے کہ حکومت ان ساری چیزوں کی طرف اپنی توجہ دیگی، اتنا کہہ کر میں اپنی تقریر ختم کرتا ہوں -

Mr. B. G. KHER: Mr. Speaker, Sir. I congratulate the House on its unanimity in placing this very important measure on the statute book. Universal primary education is, I think, absolutely necessary, particularly in these days of democracy when the franchise is going to be made wide and universal. The administration presented very difficult problems. On the first reading of the Bill, I pointed out that nearly 26 lakhs of children of school-going age have to be catered for in the rural areas by the district local boards. There is no doubt that this Bill has made a distinction between the urban and rural areas, and it has practically thrown the whole burden of the primary education of children in the rurals areas on Government. As I have already pointed out, about 96% of the cost will be borne by Government and the district local boards will bear about 4% of it. The hon. Member Mr. Dange who thought that the Bill was progressive and gave his support

6 p.m.

[Mr. B. G. Kher]

to it, said that it was not sufficiently democratic in the matter of finance. I have already explained at the time of the first reading why we made a distinction between rural and urban areas. We believe that the urban areas, where the municipalities have or ought to have adequate resources for educating their children, have no right to impart free education to their children at the cost of the State, because the bulk of the money comes from the poor peasants and agriculturists living in rural areas. What happens today is that if Government makes primary education free in urban areas as a result of this, a large number of the children of professional men like doctors, lawyers and others will get the benefit of it, while the children of the poor peasants or agriculturists will not get any benefit out of it in spite of the fact that the bulk of the money comes from these poor people in the rural areas. That is why we have made this distinction. We want the local authorities and municipalities in urban areas to take up the burden of taxing the people who are able to bear the burden of the education of their children, and not to look to the agricultural and rural areas for the free education of their children at the cost of the State. That is why in rural areas we have undertaken the burden of paying nearly 96% of the cost of primary education. We must, therefore, make a distinction between urban and rural areas so far as the grant of finance is concerned.

Then, the hon. Member's criticism was that the administration is not sufficiently democratic. I fail to understand the significance of this charge. The hon. Member wanted to delete the provision which allows private managements and agencies to take part in the task of imparting instruction. He moved an amendment to that effect. His grievance apparently is that teachers, parents and possibly school children should be allowed to form committees and take part in the administration. Well, there are parents' bodies in school boards and members in this legislature who lay down rules for regulating the administration of primary education. This is sufficiently democratic. The members of school boards in rural areas will certainly be in a position to give advice or information to Government and take such action as is necessary in the interest of their own children. The charge that the Bill is less democratic than it ought to be in so far as administration is concerned is, I am afraid, very difficult to understand. I have already tried to answer the hon. Member's charge that private managements should not be allowed to have anything to do with primary or other education.

He does not like that any exemption should at all be given. There may be schools for mentally defective or other categories of children for whose education Government is not in a position to make any arrangement at present. We want first to make provision for them; otherwise the parents of such children will be liable to prosecution under the penal provisions of this Act.

Then, Sir, the charge was levelled against Government that it cares only for the education of the classes as distinguished from the masses.

[Mr. B. G. Kher]

The whole question of education is a completely integrated one. You cannot say that primary education can be dealt with separately and that it has no relation to secondary education. You cannot also say that university education has nothing to do with either primary or secondary education. Unless all the three stages, namely, primary, secondary and university education are properly integrated, we will not be able to make progress.

Soon after placing this Bill on the statute book, it will be my proud privilege to introduce a Bill for the incorporation of a university for the region of Maharashtra. I shall then be in a position to say more about the relationship between primary education and university education. Today, the charge levelled against us is this, that we are spending as much as 9 to 11 crores of rupees on primary education and are starving university education. The relative importance of both has been stressed by many eminent educationists. If you will permit me, Sir, I will just quote a small passage from the observations of the Vice-Chancellor of the Bombay University made nearly a quarter of a century ago. What he says with reference to the contention which is sometimes put forward that universal primary education is a greater need of the country than higher education, is :—

"Yes, it is a need. But let us not be under the delusion that universal education alone will make democracy really safe. In speaking of universal education we ordinarily mean the ability to read and write. We assume that the literate possesses a higher intelligence and knowledge than the illiterate. This is not always true. There are many men who have not learned how to read and write, but still possess natural shrewdness and intelligence which enable them to exercise sound judgment. The men who merely read and write, but are unable to think for themselves are sometimes more likely to be swayed by half truths and lies disseminated by the party members and to be led into hasty and illconsidered action. It is thinking that is of greater importance than reading, and reading is necessary only as a means to proper thinking. In addition to reading and writing, therefore, the people must be taught to reflect and judge. Higher education is therefore essential."

Now, as I wanted to say, unless we have a perfectly co-ordinated policy for the whole system of education, primary, secondary, university, as also adult education—because there is a large body of the population which does not come under either of the first three categories—the country will not make progress. Our great difficulty in making education universal in as short a time as possible was due not only to funds, but also in the matter of the administration. I hope I am sufficiently democratic to realise that the elected representatives of the people should have the right to determine in what way, at what time and what type of education the children should receive. But handing over the administration of education to the school boards, in the way in which the Act of 1923 had done, showed to us, when we first came to office in 1938, that far from advancing the cause of education, far from spreading the light of knowledge amongst the masses, which was the intention of the framers of that Act, it had retarded the progress of people in many ways and given rise to maladministration. We, therefore, thought that rather than allow education to be made the

[Mr. B. G. Kher]

subject of experimentation for learning the art of self-Government, we had better take the administration into our own hands as much as it was possible. After all we are democratic. This house is chosen and elected by the people. Those hon. Members who were present ten years ago in the House will remember how difficult it was for me to raise the qualification of a member of a school board, viz., passing the fourth standard to a little higher stage, namely, passing the vernacular final examination. Therefore, it is no use saying that we have not been able to take over the whole administration, we have not been able to force the people to learn. I want to tell the House that on this question of taking over the whole system, the whole administration of education completely in the hands of Government, the District School Board of West Khandesh, the Municipal School Board of Broach and the Municipality of Chiplun were in favour. But the school boards of Poona, Belgaum, Satara, Ahmednagar, Panch Mahals, Sholapur, Bijapur and Ahmedabad, the Local Boards of Belgaum, Satara, Shoplapur and the Municipalities of Bijapur and Dharwar sent us a number of telegrams of protests attributing all sorts of motives to Government, such as attacking their rights of self-government. We have to make a compromise.

Sir, it is very easy to say " You disregard this and go ahead. " I know those who could afford to say so did say so. The Provincial Education Council, the Central Advisory Board of Education, they all said " Yes, take it over completely in your hands." The teachers, without exception, said : " Yes, take it over in your hands, " and they had reason to say so. Yet I took great pains on the first reading of the Bill to point out that when we want the children of the people to be educated, we should not rely, for the spread of education, merely on the fear of the prison or the baton of the police, but that we must have the co-operation of the people whose children we want to educate. I also pointed out what may appear to be the unorthodox but very strongly expressed view of the people that universality of primary education is likely to lead to industrialisation and militarisation. I also referred to the views of eminent educationists who said : " The people are the best judge of the kind of education that their children should receive, and they have resisted your education. They have a good reason to do so, because look at the mess you have made of your education. They have sound commonsense. " I was not worried by the taunts of friends, who wanted us to abolish the school boards and go on ourselves administering education at our sweet will and in our own manner. I did not also listen to the others, who threatened us with dire consequences if we interfered with their rights of local self-government in the matter of education. I hope we have adopted a system both of providing finances and also of making arrangements for the administration of our system of education, which will enable us to achieve our object, which is to make primary education free, compulsory and universal within the next ten or twelve years.

Sir, I thank the hon. Members for their very helpful criticism, particularly the members of the Select Committee. It was a very

[Mr. B. G. Kher]

difficult matter to reconcile the two opposite views and, but for the goodwill and the spirit of give and take which the members showed, it would not have been possible to get this Bill through. Hon. Members opposite are in the habit of thinking : " Oh, you party people ; you have only to raise your hand, and you do not think for yourselves. You are simply people who vote according to the command of your leaders. " I wish some of them had been in the Select Committee, or better still in a party meeting. They would have then seen what an amount of difference there was on many many important matters. But, Sir, the essence of diplomacy lies in reconciling different points of view and in achieving the best possible results, best possible where the best is not attainable, the perfect is not attainable, and, therefore, I want to congratulate the House on the very important and useful measure that it is about to pass.

Sir, the hon. Member Mr. Ghorpade almost accused me at the first reading of being good-natured, and now he seems to want to apologise for having said that. I hope he will not withdraw that remark [*Laughter*]. All he then meant by calling me good-natured was that I was yielding too much. Well, I want to tell him that you can be good-natured and can try and please in matters where men have a will to achieve a common excellent result, which I am sure is the ambition of every hon. Member here, regardless of party and other affiliations and ties. Each and all, everyone of you has supported this measure, and that shows your great interest and regard for the welfare of the people.

I thank you for the manner in which you have welcomed this Bill (*Applause*).

Question that " L. A. Bill No. XLVIII of 1947 be read a third time and passed " put, and agreed to.

The Hon. the SPEAKER : L. A. Bill No. XLVIII of 1947 (A Bill to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay) is read a third time and passed.

BOMBAY: PRINTED BY THE GOVERNMENT CENTRAL PRESS